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LAWS

OF

NEW HAMPSHIRE

RELATING TO

COMMON SCHOOLS,

WITH

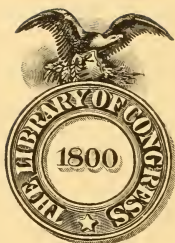
FORMS OF PROCEEDING AND DECISIONS.

REVISED EDITION.

CONCORD:

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NOTE.

THIS is a revision of the compilation of school laws made by Hon. Nathan P. Hunt in 1886. It was rendered necessary by the material changes in the laws made by the Public Statutes. s.

January, 1892.

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CHAPTER I.

SCHOOL-MONEY.

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SCHOOL TAXES.

§ 1. Amount and assessment. The selectmen in each town shall assess, annually, upon the polls and ratable estate

taxable therein, a sum to be computed at the rate of three hundred and fifty dollars for every dollar of the public taxes apportioned to such town, and so for a greater or less sum.—P. S., c. 88, § 1, p. 249.

The selectmen are bound to assess the amount required by law, whether the town votes to raise it or not.—*Tucker v. Aiken*, 7 N. H. 128.

When the town fails to act, the selectmen are bound to make their assessment, and commit the same to the collector seasonably. They should also require him to collect and pay over the money within a reasonable time. Having done this in good faith, it has never been the understanding in this state that it was their duty to borrow money on the credit of the town for school purposes, or to pervert trust funds to such use, or to so appropriate the funds of the town raised or collected for other, or even for general, purposes.

§ 2. Town may raise additional money. The town may raise a sum exceeding the amount aforesaid, which shall be assessed in the same manner.—P. S., c. 88, § 2, p. 249.

Where "the vote not having in terms appropriated any particular sum for schools, any portion of it intended for that purpose must be taken to be in addition to the sum the selectmen were required to assess."—*Tucker v. Aiken*, 7 N. H. 129.

No money shall be raised or appropriated at any special town-meeting, except by vote by ballot, nor unless the ballots cast at such meeting shall be equal in number to at least one half of the number of legal voters borne on the check-list of the town at the annual or biennial election next preceding such special meeting, and such check-list may be used at such meeting upon the request of ten legal voters of the town.—P. S., c. 40, § 4, p. 144.

§ 3. How appropriated. The sums so raised shall be appropriated to the sole purpose of maintaining public schools within the town for teaching reading, writing, English grammar, arithmetic, geography, and such other branches as are adapted to the advancement of the schools, including the purchase of fuel and other supplies, the making of occasional repairs upon school-houses, appurtenances, and furniture, and the conveyance of scholars to and from school as provided by law.—P. S., c. 88, § 3, p. 249.

§ 4. How assigned. The selectmen shall assign to each district a proportion of such money, according to the valuation of the district for the year, or in such other manner as the town, at the annual meeting, shall direct, and shall pay over the same to the school board of the district.—P. S., c. 88, § 4, p. 250.

The power of selectmen to apportion school-money among the several school-districts is a continuing power, to be exercised from time to time, whenever it may be necessary from changes made in the district, in order to give to each district the benefit of the tax paid by its members.—*School District v. Sanborn*, 25 N. H. 34.

The selectmen, after the money has been paid to the school board, have no legal interest, and can maintain no action for it or in reference to it. *School District v. Sherburne*, 48 N. H. 56.

The selectmen should draw an order upon the town treasurer for the amount of money belonging to the district, as all disbursements of town money must be made by the treasurer in accordance with the following provisions:

The selectmen shall pay all sums of money received by them in behalf of the town to the town treasurer immediately after receipt, and state to him from whom and for what received. They shall draw orders upon the treasurer for the payment of all accounts and claims against the town allowed by them, and take proper vouchers therefor. They shall keep a fair and correct account of all moneys received, all accounts and claims settled, and all orders drawn by them, and of all their other financial transactions in behalf of the town.—P. S., c. 43, § 7, p. 151. See also *School District v. Morrill*, 59 N. H. 367.

§ 5. **Ward's tax.** When a guardian and ward reside in the same town, the selectmen shall assign the tax assessed upon the ward's personal property to the school-district in which the ward lives and has his home.—P. S., c. 88, § 5, p. 250.

§ 6. **Neglect of selectmen to assess—penalty.** If the selectmen of any town neglect to assess, assign, or pay over the school-money as aforesaid, they shall pay for each neglect a sum equal to that so neglected to be assessed, assigned, or paid over, to be recovered by action of debt, in the name and for the use of the district, by the school board.—P. S., c. 88, § 6, p. 250.

This provision applies to school-money raised by taxation. The selectmen are bound to assess the amount required by law, whether the town votes to raise it or not.

Every board of selectmen that neglects to assess, assign, and pay over, is liable, under this provision; but the supreme court have decided that the phrase "pay over," in connection with the provisions of P. S., c. 43, § 7, p. 150, *ante*, means "draw an order in writing on the treasurer."—*School District v. Morrill*, 59 N. H. 367.

§ 7. **Misapplication—penalty.** If the money so assigned and paid over to the school board of any district is not expended by them according to law, they shall be fined not exceeding twice the sum so unexpended, or not legally expended, for the use of the district.—P. S., c. 88, § 7, p. 250.

If the school board receive the money assigned to the district for the support of schools, and neglect to appropriate it to that use, the district, after their term of office has expired, may recover the money of them in an action for money had and received.—*School District v. Sherburne*, 48 N. H. 52.

The criminal prosecution is not intended as a remedy for the district to enforce their rights. The law does not leave it to the option of the school-district whether the money assigned to them shall be applied to the support of schools. It is a matter of general public concern; and the design of the criminal prosecution is, not to take from school-districts the right to recover their money from the delinquent board by the ordinary legal remedy, but to compel school-districts and school boards to appropriate the money raised for that purpose to the support of schools, in accordance with the policy of the law which imposes the duty of providing instruction in the public schools, whether the districts desire it or not.—*Ib.*

✎ No court has yet held that this money can be used to pay counsel fees in the suits brought to recover, or in the prosecution of criminal proceedings, OR TO PAY OTHER DEBTS of the district.

§ 8. District may raise additional money. Any district may raise money for the support of schools in addition to the sum required by law, which shall be assessed, collected, and paid over to the district as other school taxes.—P. S., c. 88, § 8, p. 250.

For any error of law or fact in the assessment, for which a person is entitled to relief, he has a remedy by appeal, mandamus, or other direct proceeding, aimed at the correction or reversal of the assessment; and for such an error he cannot maintain an action for damages against selectmen who acted in good faith. Selectmen are not liable for assessing a tax in pursuance of an unconstitutional act of the legislature, or an illegal vote of the town.—*Edes v. Boardman*, 58 N. H. 580.

The doctrine of *Edes v. Boardman* applies to the assessment and collection of taxes for school-district purposes.—*Locke v. Pittsfield*, 63 N. H. 122.

It is not the duty or right of selectmen to inquire into the legality of the vote of a school-district to raise money; but they should assess the tax, and a mandamus lies to enforce performance of that duty.—*School District v. Carr*, 63 N. H. 201, overruling *Rogers v. Bowen*, 42 N. H. 102.

LITERARY FUND.

§ 9. What so termed. All taxes collected by the state upon the deposits, stock, and attending accumulations of depositors and stockholders of savings-banks, trust companies, loan and trust companies, loan and banking companies, building and loan associations, and other similar corporations, who do not reside in this state, or whose residence is unknown, shall be known as the "literary fund."—P. S., c. 88, § 9, p. 250.

§ 10. How assigned. The state treasurer shall assign and distribute, in November of each year, the literary fund among the towns and places in proportion to the number of scholars not less than five years of age, who shall, by the last reports of the school boards returned to the superintendent of public instruction, appear to have attended the public

schools in such towns and places not less than two weeks within that year.—P. S., c. 88, § 10, p. 250.

§ 11. **Unincorporated places.** No unincorporated place shall receive its portion until a treasurer or school agent shall have been chosen to receive and appropriate the same as required by law.—P. S., c. 88, § 11, p. 250.

§ 12. **How applied.** The portion of the literary fund so received by any town or place shall be assigned to the districts as other school-money, and shall be applied to the maintenance of the public schools during the current year; one fifth part thereof may be applied by the school board to the purchase of blackboards, dictionaries, maps, charts, and school apparatus.—P. S., c. 88, § 12, p. 250.

§ 13. **Misapplication.** If any town or incorporated place, or the agent of any unincorporated place, shall apply any money so received to any other purpose, the town, place, or agent so offending shall refund to the state treasury double the sum so misapplied.—P. S., c. 88, § 13, p. 251.

§ 14. **Dog tax.** All money arising from the taxation and licensing of dogs, remaining in the treasury of any town or city on the first day of April, annually, which is not due to holders of orders given for loss of or damage to domestic animals by dogs, shall be applied to the support of the public schools, and shall be assigned to the districts as other school-money.—P. S., c. 88, § 14, p. 251.

§ 15. **Railroad tax.** The state treasurer shall pay to each town its proportion of each railroad tax, whenever the same shall have been paid to him, to be appropriated as other town money.—P. S., c. 64, § 15, p. 202.

Under the provisions of this section towns may apply the whole or a part of the railroad money received from the state to the support of common schools.

CHAPTER II.

SCHOOL-DISTRICTS.

DISTRICTS AND THEIR POWERS.

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4. May hire money, how much; and when payable.
5. Selectmen to assess tax to pay same, when.

ASSESSMENT AND COLLECTION OF TAXES.

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7. New invoice made, when.
8. Non-resident taxes assessed after July 1, when and how collected.

HIGH SCHOOLS, ETC.

9. Districts may have high schools.
10. Adjoining districts may contract to maintain schools jointly.
11. Districts may contract with academies, etc., to furnish instruction to scholars.
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13. Joint districts, how to share in school-money.

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19. Notice in such case, before appointment of referee.
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21. Referee to give notice of hearing.
22. Tax to adjust apportionment, how assessed.
23. Town district to take property and assess tax in relation thereto.
24. Dissolved districts to continue, for what purposes.
25. Income of trust funds, how used.
26. Meetings of dissolved districts.
27. Preservation of district records.

DISTRICTS AND THEIR POWERS.

§ 1. What constitutes. Each town shall constitute a single district for school purposes, *provided, however*, that districts organized under special acts of the legislature may retain their present organization.—P. S., c. 89, § 1, p. 251.

§ 2. Presumed to be legally organized when;—powers of. School-districts that have exercised the privileges of a district for a year shall be presumed to be legally organized; and all districts legally organized shall be corporations, with power to sue and be sued, to hold and dispose of real and personal property for the use of the schools therein, and to make necessary contracts relating thereto.—P. S., c. 89, § 2, p. 252.

School-districts, being enabled by law to sue and be sued, have the power to appoint and to instruct agents to prosecute and defend, and may lawfully instruct them to withdraw defences and confess judgment.—*Deniston v. School-District*, 17 N. H. 492.

They have the powers expressly granted them, and such implied powers as are necessary to perform their duties, and no more.—*Bell, J., in Harris v. School District*, 28 N. H. 62.

A school-district can hold lands in trust for the support of schools, but not for the support of the ministry.—*Chapin v. School District*, 35 N. H. 445.

Tax-payers are not parties to the suits of districts, nor bound by a judgment therein, and may proceed in equity to set aside a judgment, if collusive, or to be protected against it, if it be likely to be made the instrument of injustice and oppression towards them.—*Woods, J., in Barr v. Deniston*, 19 N. H. 180.

§ 3. School-districts may raise money for what purposes.

School districts may raise money to procure land for school-house lots, and for the enlargement of existing lots; to build, purchase, rent, repair, or remove school-houses and outbuildings; to procure insurance; to plant and care for shade and ornamental trees upon school-house lots; to provide suitable furniture, books, maps, charts, apparatus, and conveniences for schools; and to pay debts.—P. S., c. 89, § 3, p. 252.

A school-district meeting cannot act excepting upon articles distinctly stated in the warrant.—*Holbrook v. Faulkner*, 55 N. H. 311.

The vote can be reconsidered (and at an adjourned meeting), and if reconsidered before the assessment, and the selectmen be certified of the fact, they have no power to assess the tax.—*Mitchell v. Brown*, 18 N. H. 315.

When such a vote is reconsidered or rescinded, the clerk ought at once to certify the facts to the selectmen.

Fees of county commissioners for services are deemed debts.—P. S., c. 91, § 10, p. 259; c. 4, § 10, *post*.

Whenever the district votes to raise money for any of the above purposes, it should elect a financial agent with full powers to act for the district. If preferred, the school board may be authorized to act as the financial agent of the district.

The article in the warrant may be,—

To see what sum or sums of money the district will raise, by taxation or otherwise, to procure land for school-house lot, and for the enlargement of existing lot; to build, purchase, rent, repair, or remove school-house and outbuildings; to procure insurance; to plant and care for shade and ornamental trees upon school-house lot; to provide suitable furniture, books, charts, apparatus, and conveniences for schools; to pay debts, and to choose all necessary committees and agents therefor.

The vote should set forth, specifically and distinctly, the will of the district.

§ 4. May hire money—how much, when payable. School-districts may hire money for building school-houses, not

exceeding four fifths of the cost thereof, which shall be payable within five years, in equal proportions, with the interest.—P. S., c. 89, § 4, p. 252.

The form of a note of a district may be,— , 18 .

For value received, the school-district of the town of promise to pay C D or order dollars, ... cents with interest annually.

School-district of the town of , by its committee duly authorized.

E. F.
G. H.
I. J.

A person taking a note in this form should satisfy himself of the legality of the proceedings of the district.
Where an agent assumes to bind another by a promissory note when he has no authority to do so, and his language, stripped of what he had no right to place there, imparts a promise by him personally, he is himself bound as a promisor.—Weare v. Gove, 44 N. H. 196.

§ 5. Tax to pay for money hired. The selectmen, upon application of the creditor and receipt of copies of the vote and note of the district, may, in each annual tax, assess upon the district one fifth of such debt and the interest, and shall cause the same to be collected and paid to the town treasurer, and shall give an order upon the treasurer to the creditor for the amounts collected.—P. S., c. 89, § 5, p. 252.

TAXES, ASSESSMENT AND COLLECTION.

§ 6. Persons and property, where taxed. In the assessment of school-district taxes, every person shall be taxed in the district in which he lives for his poll and his personal estate subject to taxation in town. Real estate shall be taxed in the district in which it is situated.—P. S., c. 89, § 6, p. 252.

§ 7. New invoice made, when. The selectmen may make a new invoice of all the property in the district when necessary for the just assessment of such taxes.—P. S., c. 89, § 7, p. 252.

The selectmen are not bound to make a new invoice for the assessment of school-district taxes when changes in the ownership of property within the district occurred between the taking of the annual invoice, on the first day of April, and the making of the assessment; but they may assess the tax upon the April invoice.—*Rogers v. Bowen* 42 N. H., 102.

§ 8. Non-resident taxes assessed after July 1, when and how collected. If such taxes are assessed after the first day of July in any year upon the property of non-residents, the collector shall send to the owners of said property, or to their agents if known, a bill of their taxes within two months after the delivery of the list to him, and shall, at the expiration of four months after such delivery, advertise and sell the property on which the taxes have not been paid in the same manner as if such taxes had been assessed in April preceding.—P. S., c. 89, § 8, p. 252.

HIGH SCHOOLS, ETC.

§ 9. Districts may have. Any school-district may, by vote or by-law, establish and maintain a high school in which the higher English branches of education and the Latin, Greek, and modern languages may be taught.—P. S., c. 89, § 9, p. 252.

The article in the warrant for the district meeting may be,—

To see if said district will establish a high school.

And the record of the vote may be,—

Upon the article in the warrant it was, on motion of A B, voted to establish a high school in this district, forty having voted in the affirmative and ten in the negative, a majority of the legal voters of said district at said meeting having voted in the affirmative.

§ 10. Adjoining districts may maintain schools jointly. Two or more adjoining districts in the same or different towns may make contracts with each other for establishing and maintaining jointly a high or other public school for the benefit of their scholars, and may raise and appropriate money to carry the contracts into effect; and their school boards, acting jointly or otherwise, shall have such author-

ity and perform such duties in relation to schools so maintained as may be provided for in the contracts.—P. S., c. 89, § 10, p. 252.

§ 11. **Districts may contract with academies, etc.** Any school-district may contract with an academy, seminary, or other literary institution located within its limits or in its immediate vicinity, for furnishing instruction to its scholars; and the school-money may be used to carry the contract into effect.—P. S., c. 89, § 11, p. 253.

§ 12. **Non-resident scholars.** Each district may determine upon what terms scholars from other districts or towns may be admitted into its schools. If the district neglects to make such determination, the school board may do it.—P. S., c. 89, § 12, p. 253.

A temporary residence, merely for the purpose of attending school, gives no right to attend against the will of the district.—School-District v. Bragdon, 23 N. H. 516, see c. 6, § 1, *post*.

§ 13. **Joint districts, how to share in school-money.** Every district situate in two or more towns shall be entitled to its just proportion of school taxes, income of school funds, literary fund, and dog tax in each town, according to the valuation of polls and property taxable therein.—P. S., § c. 89, § 13, p. 253.

SPECIAL DISTRICTS, HOW DISSOLVED.

§ 14. **How dissolved and united to town district.** Any school-district organized under a special act of the legislature may, by a majority vote of the qualified voters present and voting at a legal meeting, dissolve its corporate existence, and unite with the town district.—P. S., c. 89, 14, p. 253.

§ 15. **Town districts to take possession of school property.** In such case, the town district, so formed, shall forthwith

take possession of the school-houses, lands, apparatus, and other property owned and used for school purposes by the district so dissolved which the district might lawfully sell or convey.—P. S., c. 89, § 15, p. 253.

§ 16. **Rights of property, how equalized.** The property so taken, and also like property of the district to which the special district is united, shall be appraised by the selectmen of the town, and at the next annual assessment a tax shall be levied upon the whole town-district equal to the amount of the whole appraisal; and there shall be remitted to the tax-payers of each district the appraised value of its property.—P. S., c. 89, § 16, p. 253.

§ 17. **Selectmen to apportion property when dissolved district is in two or more towns.** If a district so dissolved is formed of parts of two or more towns, an equitable apportionment of its assets and liabilities between such parts shall be made by the selectmen of the towns in which they are situate, acting as a joint board, within sixty days after the dissolution.—P. S., c. 89, § 17, p. 253.

§ 18. **Referee appointed when.** If such joint board fail to make an apportionment within the time limited therefor, any tax-payer within the district may apply by petition to a judge of the supreme court for the appointment of a referee to make the apportionment.—P. S., c. 89, § 18, p. 253.

§ 19. **Notice before appointment of referee.** The judge shall appoint a time and place of hearing upon the petition, and order notice thereof to be given to all parties interested, and after hearing them he shall appoint a referee.—P. S., c. 89, § 19, p. 253.

§ 20. **Notice served how.** The notice shall be served by posting copies of the petition and order thereon in at least

two public places in each of said parts, and by giving to the clerk of the dissolved district, and the clerk of each town district in which any part thereof is located, like copies ten days at least before the day of hearing.—P. S., c. 89, § 20, p. 253.

§ 21. **Referee to give notice of hearing.** The referee shall cause notice of his hearing to be given to all parties interested, in the same manner as is provided in the preceding section. He shall hear the parties, make his report in writing, and file a copy thereof with the clerk of the dissolved district and the clerk of each town interested; and the report, so made and filed, shall be final.—P. S., c. 89, § 21, p. 254.

§ 22. **Tax to adjust apportionment, how assessed.** Upon receiving a copy of the apportionment, the selectmen shall assess upon that part of the district within their town the amount for which it is charged, and cause the same to be collected and paid to the town district in which the creditor part of the dissolved district is situated.—P. S., c. 89, § 22, p. 254.

§ 23. **Town district to take property and assess tax in relation thereto.** The town district shall take the property and assets of that part of the dissolved district which is situate in such town district, and the selectmen of the town shall assess and remit taxes with reference to the property so taken, and like property of the town district, the same as in other cases.—P. S., c. 89, § 23, p. 254.

§ 24. **Dissolved districts to continue, for what purposes.** The corporate powers of a district shall continue for the purpose of settling up its affairs, and of holding, managing, and enjoying any property held by it in trust, notwithstanding

ing its dissolution; but the school board of the district of which it forms a part shall be its agents to expend the income of any such trust property that is devoted to the support of schools.—P. S., c. 89, § 24, p. 254.

§ 25. **Income of trust fund, how used.** The school board shall first give to such district or districts such term or character of schooling as would be just and reasonable if no such fund were in existence, and only use the income to lengthen the school or schools, or to carry out the purposes of the trust under which the funds are held.—P. S., c. 89, § 35, p. 254.

§ 26. **Meetings of dissolved districts.** Any justice of the peace may, upon application of three or more voters resident within the limits of the dissolved district, call a meeting thereof in the same manner as other school-district meetings are called, at which a moderator, clerk, and agents may be chosen and any other business transacted for the purposes mentioned in section twenty-four of this chapter.—P. S., c. 89, § 26, p. 254.

§ 27. **Preservation of district records.** The records of dissolved school districts whose corporate existence is not continued for any purpose shall be returned by the clerks of such districts to the town-clerk's office for preservation with the public records of the town.—P. S., c. 89, § 27, p. 254.

CHAPTER III.

MEETINGS AND OFFICERS OF SCHOOL-DISTRICTS.

SCHOOL MEETINGS.

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22. Auditor's duties.
23. Vacancies in district offices, how filled.
24. District may elect or appoint superintendent of schools, etc.

SCHOOL MEETINGS.

§ 1. **Annual meetings, when holden.** A meeting of every school-district shall be holden annually between the first day of March and the twentieth day of April, inclusive, for the choice of district officers and the transaction of other district business.—P. S., c. 90, § 1, p. 255.

§ 2. **Special meetings, when holden.** A special meeting of a school-district shall be holden whenever in the opinion of the school board there is occasion therefor, or whenever ten or more voters, or one sixth of the voters of the district, shall have made written application to the school board therefor, setting forth the subject-matter upon which action is desired.—P. S., c. 90, § 2, p. 255.

§ 3. **Meetings, where held.** School-district meetings may be held at the usual place where town-meetings of the town are held, or at such other suitable place as in the opinion of the officers calling the meeting will best accommodate the voters.—P. S., c. 90, § 3, p. 255.

§ 4. Warrants, by whom issued and what to contain. They shall be warned by the school board, or, in cases authorized by law, by a justice of the peace, by warrant addressed to the inhabitants of the district qualified to vote in district affairs, stating the time and place of the meeting and the subject-matter of the business to be acted upon.—P. S., c. 90, § 4, p. 255.

A school-district meeting cannot act excepting upon articles distinctly stated in the warrant.—*Holbrook v. Faulkner*, 55 N. H. 311.

§ 5. Warrants to contain notice of special subjects, when. The officers issuing a warrant for a district meeting shall insert therein any subject-matter for which application has been made to them in writing by ten or more voters, or by one sixth of the voters of the district.—P. S., c. 90, § 5, p. 255.

§ 6. When and where to be posted. The school board or justice issuing a warrant shall cause an attested copy of it to be posted at the place of the meeting, and a like copy at one other public place in the district, fourteen days before the day of meeting.—P. S., c. 90, § 6, p. 255.

There must be fourteen days *between* the day of posting and the day of meeting.

When time is to be reckoned from a day, date, act done, or the time of an act done, either by force of law, or by virtue of a contract made since the twenty-third day of December, eighteen hundred and forty-two, such day, date, or the day when such act is done, shall not be included in the computation.—P. S., c. 2, § 34, p. 51.

Inns are public places.—*Tidd v. Smith*, 3 N. H. 178.

A meeting-house is *prima facie* a public place for posting notices.—*Scammon v. Scammon*, 28 N. H. 419.

A shoemaker's shop in Deerfield was held *not* to be a "public place."—*Tidd v. Smith*, 3 N. H. 178.

Practically it is generally supposed to mean a tavern, store, or other place where people are in the habit of resorting for the transaction of business.—*Parker, C. J., Wells v. Burbank*, 17 N. H. 411.

The term public as applied to place is not an absolute but a relative term, and, as used in the statute, means nothing more than a place relatively and comparatively public,—at all events, not essentially and peculiarly less public than other places in the same town, if there be no place of common resort.—*Stanley, J., Calhoun v. Coe*, 57 N. H. 595.

In towns and places where no post-office, tavern, house of public worship, or other place usually regarded as a public place, exists, the words "public place" must be construed to mean such places as, in comparison with other places in the same town, are the places where the inhabitants and others most frequently meet or resort, or have occasion to be, so that a notice posted there would, for that reason, be likely to meet public view and attract observation.—*Russell v. Dyer*, 40 N. H. 173; same case, 43 N. H. 396.

§ 7. May be issued by justice of the peace, when. If the school board does not cause a warrant for the annual meeting to be posted on or before the second Tuesday of March in any year, or for a special meeting within ten days after application therefor is made to them, a justice of the peace, upon application of ten or more voters, or of one sixth of the voters of the district, may issue such warrant and cause it to be posted.—P. S., c. 90, § 7, p. 256.

§ 8. To be returned to clerk and recorded. The warrant, with a certificate thereon, verified by oath, stating the time and places when and where copies of it were posted, shall be given to the clerk of the district at or before the time of the meeting, and shall be recorded by him in the records of the district.—P. S., c. 90, § 8, p. 256.

Form of warrant when issued by school board may be,—

THE STATE OF NEW HAMPSHIRE.

*To the inhabitants of the school-district of the town of
qualified to vote in district affairs:*

You are hereby notified to meet at the in said district, on the day of March, 18 .., at .. o'clock in the noon, to act upon the following subjects:

1. To choose a moderator for the ensuing year.
2. To choose a clerk for the ensuing year.
3. To choose a member of the school board for the ensuing three years.
4. To hear the reports of agents, auditors, committees, or officers heretofore chosen, and pass any vote relating thereto.
5. To choose agents, auditors, and committees in relation to any subjects embraced in this warrant.
6. To see, etc.

Given under our hands at said this day of,
18 ..

..... }
..... } *School Board.*
..... }

The hour of the meeting should be stated.

The warrant need not have a seal.—Thompson v. Flanders, 21 N. H. 425.

The posting is to be of a copy attested as follows:

A true copy of warrant. Attest:

..... }
 } *School Board.*

The certificate of posting may be as follows:

I certify that on the day of, 18 , I posted a copy of the written warrant attested by the school board of said district at the place of meeting within named, and a like attested copy at, being a public place in said district.

H..... ss., 18 .

Personally appeared the said, and made oath that the above certificate, by signed, is true.

....., *Justice of the Peace.*

The clerk should record the warrant and certificate of posting, and attest the record of each as follows:

Received March, 18 , and recorded.

A true record. Attest:

..... *Clerk of the District.*

Application to justice to call annual meeting may be,—

To, *justice of the peace in the county of ..*

The undersigned ten or more [or, one sixth of the] legal voters of the school-district in the town of, in said county, respectfully represent that the school board of said district has neglected to issue a warrant and post a copy thereof for the annual meeting of said district for the year 18.., and they request you to call such annual meeting and insert in the warrant for the same the following articles: [Here insert articles.]

Dated at said, this day of, 18 .

[Signers.]

A warrant upon such application may be,—

THE STATE OF NEW HAMPSHIRE.

H..... ss.

To the inhabitants of the school-district of the town of, *qualified to vote in district affairs* :

Pursuant to an application of this date, by ten or more [or, one sixth of the] legal voters of said district, to me, a justice of the peace of said

county, by reason of the neglect of the school board of said district to call the annual meeting of said district for the year 18 , you are notified to meet at the in said district, on the day of March, 18 , at .. o'clock in the noon, to act upon the following subjects: [Here insert articles as in the application.]

Given under my hand this day of, 18 .

....., *Justice of the Peace.*

As an application is essential, it is advised that the warrant show that an application was made, and that the application be recorded by the clerk of the district, with the warrant. The attestation, certificate of posting, and record may be as above indicated, with the required changes.

Application to school board for special meeting may be,—

To the school board of the school-district in the town of

The undersigned, ten or more [or, one sixth of the] legal voters of said district, request that a special meeting of the school-district be held, to act upon the following subjects: [Here insert articles.]

Dated at said, this day of, 18 .

[Signers.]

The form of a warrant for such special meeting may be,—

THE STATE OF NEW HAMPSHIRE.

To the inhabitants of the school-district in the town of..... qualified to vote in district affairs :

Pursuant to an application to us of this date, by ten or more [or, one sixth of the] legal voters of said district, you are notified to appear at the in said district on the day of , 18., at o'clock in the noon, to act upon the following subjects: [Here insert articles following the application.]

Given under our hands at said, this day of....., 18 .

..... }
..... } *School Board.*
..... }

The application should be recorded with the warrant.

The attestation, certificate of posting, and record may be in the form heretofore given.

If the school board actually call the meeting within ten days, but at a later date than the time specified in the application, a justice of the peace may call a meeting, upon a proper application.—*Denniston v. School District*, 17 N. H. 492.

Application to justice for special meeting may be,—

To a justice of the peace for the county of..... :

The undersigned, ten or more [or, one sixth of the] legal voters of the school-district in the town of, in said county, respect-

fully represent that on the day of last, ten or more [or, one sixth of the] legal voters in said district made a written application to the school board thereof to call a meeting of said district, of which the following is a copy: [Here insert a copy of the application, including the names of the signers thereto.] Yet said school board has neglected to issue a warrant, and post a copy thereof, for such meeting, and more than ten days have elapsed since said application.

Wherefore they request you to call such meeting at the time and place and for the purposes stated in said application.

Dated at said, this day of, 18 .

[Signers.]

The signers to both applications need not be the same.—*Simpson v. Orford*, 41 N. H., 228.

The warrant under the foregoing application may be the same as for calling the annual meeting by a justice on neglect of the school board, omitting the words "the annual meeting of said district for the year 18 ," and inserting instead thereof the words, *a special meeting of said district on the ... day of, 18* . The application should be recorded with the warrant and the attestation, certificate of posting and record made, as in other cases as heretofore indicated.

VOTERS, CHECK-LIST, ETC.

§ 9. Who are voters. Any person, whether male or female, but in all other respects except sex qualified to vote in town affairs, may vote at school-district meetings in the district in which such person has resided and had a home three months next preceding the meeting.—P. S., c. 90, § 9, p. 256.

No person shall be considered as dwelling or having his home in any town for the purpose of voting or being voted for at any meeting, unless he shall have resided within such town six months next preceding the day of meeting.—P. S., c. 31, § 8, p. 113.

Six months' residence would be requisite for voting.

§ 10. Check-list to be used when. Upon petition of ten legal voters of any district, presented in January, or if the district at its annual meeting shall have voted that a check-list be used at future meetings, the school board shall make, post, and correct a list of the legal voters in the district as supervisors are required to do in regard to the list of voters in their towns; and such list shall be used and checked, at the election of officers and otherwise, at the annual meeting

of the district, as in case of town-meetings.—P. S , c. 90, § 10, p. 256.

The petition may be,—

To , school board of the school-district in the town of.....:

The undersigned, ten and more legal voters in said district, request you to make, post, and correct a list of the legal voters in said district as supervisors are required to do in regard to the list of voters in their towns.

Dated at said , this day of , 18 . [Signers.]

The check-list may be,—

List of voters in the school-district in the town of:

The following is an alphabetical list of all the legal voters in the school-district in the town of , made and posted by the school board of said district on the day of....., 18 .

Names. Names.

The school board of said district give notice that they will be in session, for the purpose of correcting the foregoing list, at the in said district, on the day of , 18 , at .. o'clock in the noon, and on the day of , 18 , at .. o'clock in the noon.

Given under our hands, at said , this day of , 18 .

..... } School Board.
..... }
..... }

The check-list should be posted up in two or more public places in the district fourteen days before the day of any election at which such list is to be used.—P. S., c. 32, § 5, p. 114.

The school board should be in session for the purpose of correcting said list two days, at least, before the day of meeting, the last of which must be the day preceding the day of meeting. If there are more than six hundred legal voters in the district, the first session must be on the Tuesday next preceding the day of election, the hearing adjourned from day to day, until all claims have been heard and decided.—P. S., c. 32, § 6, page 114.

Before the opening of the meeting, the school board should subscribe and make oath to the following certificate upon the back of the foregoing corrected list,—

We, the undersigned, school board of the school-district in said town of , do solemnly swear, that according to our best knowledge the within list contains the names of those persons only

who are by actual residence legal voters in said district. *So help us God.*

..... }
 } *School Board.*

....., ss., 18 .

Then the above-named and and
 took and subscribed the foregoing oath.

Before me, ...
Justice of the Peace.

An attested copy of the foregoing check-list, as corrected, with the return thereon, should be lodged with the clerk of the district on the day of the meeting, and before the opening thereof.

The form of the certificate may be,—

We hereby certify that the foregoing is a true copy of the check-list, as made and posted in said district as corrected by us.

..... }
 } *School Board.*

The safe course, when there is a check-list, is to use it in the election of all officers, and in the transaction of all business.

The check-list used at any town-meeting shall be preserved in the custody of the town-clerk for future reference.—P. S., c. 32, § 14, p. 115.

§ 11. **Illegal voting, how punished.** If any person under the age of twenty-one years, or any alien not naturalized, or any person who has not resided and had his home in the district for three months and in the town for six months preceding, shall vote in any district meeting, or if any person shall give in more than one vote for any officer voted for at the meeting, or if any person, being under examination before the school board as to his qualifications as a voter, shall give any false name or answer, he shall be fined not exceeding thirty dollars, or be imprisoned not exceeding three months.—P. S., c. 90, § 11, p. 256.

OFFICERS AND THEIR DUTIES.

§ 12. The officers of every school-district for which the law does not otherwise provide shall be a moderator, a clerk,

a school board of three persons, a treasurer, and one or more auditors, and such other officers and agents as the voters may judge necessary for managing the district affairs.—P. S., c. 90, § 12, p. 256.

The offices of member of school board and auditor are incompatible. A person who is elected to both offices at the same meeting, and accepts the latter, thereby declines the former.—*Cotton v. Phillips*, 56 N. H. 220.

§ 13. **Districts which maintain high school may increase membership of school board.** While any district maintains a high school, or unites with another district in maintaining one, it may have a school board consisting of three, six, or nine members, as it shall determine by vote or by-law. Whenever it ceases to maintain, or to unite in maintaining, a high school, it shall thereafterwards elect only one member to the school board each year to fill vacancies occurring from expiration of term of service, so that the board will decrease in numbers, year by year, until it shall be composed of only three members.—P. S., c. 90, § 13, p. 256.

§ 14. **Eligibility to office.** No person shall be eligible to any school-district office unless he is a voter in the district.—P. S., c. 90, § 14, p. 257.

§ 15. **Officers, how chosen;—to be sworn.** The moderator, clerk, school board, and treasurer shall be chosen by ballot, by a plurality vote. The moderator, clerk, and school board shall be sworn.—P. S., c. 90, § 15, p. 257.

§ 16. **Tenure of office.** One third of the members of the school board shall be chosen each year to hold office for three years, and until their successors are chosen and qualified; and vacancies in the board shall be filled so as to preserve such succession in office. All other officers shall be chosen annually, and shall hold office for one year, and until their successors are chosen and qualified.—P. S., c. 90, § 16, p. 257.

§ 17. **Moderator's powers and duties.** The moderator shall have the like power and duty as a moderator of a town-meeting to conduct the business and to preserve order, and may administer oaths to district officers and in the district business. In case of a vacancy or absence, a moderator *pro tempore* may be chosen.—P. S., c. 90, § 17, p. 257.

No person chosen or appointed to any public office, under any law, shall exercise such office or perform any act therein until he shall have taken the oath of office.—P. S., c. 19, § 4, p. 90.

The oath of office is as follows:

You do solemnly swear that you will faithfully and impartially discharge and perform all the duties incumbent on you as a, according to the best of your abilities, agreeably to the rules and regulations of the constitution and laws of the state of New Hampshire. *So help you God.*—P. S., c. 44, § 2, p. 157.

The powers and duties of a moderator of town-meeting are as follows:

The moderator shall preside in town-meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed, and may prescribe rules of proceeding, but such rules may be altered by the town.—P. S., c. 42, § 5, p. 148.

The rules of parliamentary law, so called, are not in force for the government of town-meetings, except so far as prescribed by the moderator, subject to alteration by the town.—Hill v. Goodwin, 56 N. H. 441.

When any vote, other than by ballot, declared by the moderator or other officer presiding, shall immediately, and before any other business is begun, be questioned by seven or more of the voters present, the moderator or other officer presiding shall make the vote certain by a poll of the voters.—P. S., c. 42, § 6, p. 148.

If any moderator or other officer presiding shall wilfully neglect or refuse to make any vote certain by a poll of the voters, when required as aforesaid, or shall wilfully violate or neglect to enforce any rule of proceeding which shall have been established by vote of the town or otherwise, he shall, for each offence, be fined not exceeding five hundred dollars, or be imprisoned not exceeding six months.—P. S., c. 42, § 7, p. 148.

No person shall speak in any meeting without leave of the moderator, nor when any person speaking is in order; and all persons shall be silent at the desire of the moderator, on pain of forfeiting one dollar for each offence, for the use of the town.—P. S., c. 42, § 8, p. 149.

If any person shall conduct in a disorderly manner, and, after notice from the moderator, persist therein, or shall in any way disturb the meeting, or wilfully violate any rule of proceeding, the moderator may command any constable or police officer, or any legal voter of the town, to remove such disorderly person from the meeting and detain him until the business is finished.—P. S., c. 42, § 9, p. 149.

Every constable or police officer shall obey the orders and commands of the moderator for the preservation of order, and may command such assistance as is necessary; and if any constable or police officer neglects to perform any of the duties imposed by this or the preceding chapter, he shall forfeit forty dollars for the use of the town.—P. S., c. 42, § 10, p. 149.

§ 18. **Clerk's duties.** The clerk shall keep a true record of all the doings of each meeting; shall deliver to the selectmen of the town an attested copy of every vote to raise

money, within ten days after the meeting; shall make an attested copy of any record of the district for any person upon request and tender of legal fees therefor; shall act as moderator of any meeting until a moderator *pro tempore* shall be chosen, if the moderator is absent or the office has become vacant; and shall have the same power to administer oaths which the moderator has. If the clerk is absent at any meeting, a clerk *pro tempore* shall be chosen.—P. S., c. 90, § 16, p. 257.

It is the duty of the clerk to record the votes as publicly declared by the moderator. His duty in this respect is purely ministerial.—*Hill v. Goodwin*, 56 N. H., 441.

The clerk shall deliver an attested copy of a vote to raise money, although the meeting may have adjourned to a time beyond ten days.—*Mitchell v. Brown*, 18 N. H. 315.

The attested copy of a vote to raise money may be,—

To the selectmen of the town of A.....:

At a meeting of the legal voters of the school-district in the town of, on the day of, 18 , at the in said district, at .. o'clock in the noon:

The meeting was called to order by, moderator [or clerk].

Voted, To raise the sum of thousand dollars for building a new school-house, and procuring land and suitable furniture and apparatus and needful conveniences therefor.

.

A true record.

Attest :

... ..,

Clerk of District.

A true copy of record.

Attest :

... ..,

Clerk of District.

The warrant and certificate of posting should first be recorded by the clerk; then the record of the proceedings of the meeting may be,—

At a meeting of the inhabitants of the school-district in the town of, qualified to vote in district affairs, holden at, in said district, on the day of, 18 , at .. o'clock in the noon:

The meeting was called to order by, moderator [or clerk], and proceeded to the transaction of business as follows:

1. The whole number of tickets given in for moderator was one hundred; upon which—

A B had twenty votes;

C D had thirty-five votes;

E F had forty-five votes; and the said E F was declared elected moderator, and in open meeting took the oath of office by law prescribed.

2. The whole number of tickets given in for clerk was one hundred; upon which—

G H had thirty votes;

J K had thirty votes;

L M had forty votes; and the said L M was declared elected clerk by the moderator, and in open meeting took the oath of office by law prescribed.

3. The whole number of tickets given in for member of the school board was one hundred; upon which—

N O had eight votes;

P R had thirty-six votes;

S T had sixty-two votes; and the said S T was declared elected a member of said school board by the moderator, and in open meeting took the oath of office by law prescribed.

4. *Voted*, To raise the sum of thousand dollars to build a new schoolhouse, and procure land and suitable furniture and apparatus and needful conveniences therefor.

[Here insert all other votes, care being taken to make the record an accurate and intelligible account of the entire proceedings of the meeting.]

5. *Voted*, To adjourn this meeting until the . . . day of, 18 , at . . . o'clock in the . . . noon, at the in said district [or, *Voted*, That this meeting adjourn].

A true record.

Attest :

R S, *Clerk of said District.*

§ 19. Clerk to report names, etc., of school board to town-clerk, when;—penalty for neglect. The clerk of every school-district shall, forthwith, after the election from time to time of members of the school board, report in writing their names and post-office addresses to the town-clerk of the town; and if he fails to do so, he shall be fined twenty dollars, one half for the use of the complainant and the other half for the use of the town.—P. S., § 19, p. 257.

§ 20. **Treasurer to give bond.** The treasurer, shall, before entering upon the duties of his office, give a bond with sufficient sureties to the district to the acceptance of the school board for the faithful performance of his official duties.—P. S., c. 90, § 20, p. 257.

§ 21. **Treasurer's duties.** The treasurer shall have the custody of all moneys belonging to the district, and shall pay out the same only upon orders of the school board. He shall keep a fair and correct account of all sums received into and paid from the district treasury. At the close of each fiscal year he shall make a report to the district giving a particular account of all receipts and payments during the year. He shall furnish to the school board statements from his books, and submit his books and vouchers to them and to the district auditors for examination, whenever so requested.—P. S., c. 90, § 21, p. 257.

§ 22. **Auditor's duties.** The auditors shall carefully examine the accounts of the treasurer and school board at the close of each fiscal year, and at other times whenever necessary, and report to the district whether the same are correctly cast and well vouched.—P. S., c. 90, § 22, p. 257.

§ 23. **Vacancies in district offices, how filled.** The school board shall fill vacancies occurring in the board, and in other district offices except that of moderator, until the next annual meeting of the district. In case of vacancy of the entire membership of the board, or the remaining members are unable to agree upon an appointment, the selectmen, upon application of one or more voters in the district, shall fill the vacancies so existing until the next annual meeting of the district.—P. S., c. 90, § 23, p. 258.

A vacancy may exist when an officer removes from the district.—*Giles v. School-District*, 31 N. H. 304.

Vacancies may also occur by the death or resignation of the incumbent.

The application to selectmen may be,—

To the selectmen of the town of

The undersigned, legal voters in the school-district of said town, respectfully represent that there is a vacancy of the entire members of the school board of said district [or, there are vacancies in the school board of said district, and the remaining members are unable to agree upon an appointment], and they request you to fill such vacancy [or, vacancies].

Dated at said, this day of, 18 .

[Signers.]

The appointment may be,—

To, of the school-district in the town of.....:

Whereas, there is a vacancy of the entire members of the school board of said district [or, there are vacancies in the school board of said district and the remaining members are unable to agree upon an appointment], and an application has been made to us by one or more legal voters of said district to fill such vacancy [or, vacancies], we, having confidence in your ability and fidelity, hereby appoint you a member [or, members] of the school board of said district; and upon your taking the oath of office, and having this appointment and the certificate of said oath recorded in the records of said district, you shall have the powers, perform the duties, and be subject to the liabilities of said office.

Witness our hands, this day of, 18 .

..... } *Selectmen*
 } *of*
 }

H..... ss., 18 .

Then appeared, and took the oath of office by law prescribed.

Before me,

.....,
Justice of the Peace.

§ 24. District may elect or appoint superintendent of schools, etc. A school-district may elect or appoint, in such manner as it may determine, a superintendent of schools, who shall hold office for such term, be vested with such of the powers and charged with such of the duties of the school board, and be entitled to such compensation, as it may provide; and such district may raise and appropriate money to pay the compensation.—P. S., c. 90, § 24, p. 258.

CHAPTER IV.

SCHOOL-HOUSES.

SECTION

1. District may locate by vote or committee.
2. Powers of committee limited.
3. Voters aggrieved may apply to school board.
4. School board to locate, when.
5. County commissioners to locate, when.
6. Chairman to give notice of hearings.
7. Vacancies in board, how filled.
8. Hearing, when; decision, how made and filed.
9. District to take no steps to carry former location into effect while appeal pending.

SECTION

10. Commissioners, how paid.
11. Location conclusive, for what time.
12. Existing lot, how enlarged.
13. Land appraised by selectmen, when.
14. Appeal by land-owner.
15. Title to vest in district, when.
16. Selectmen to build school-house, when.
17. Schools, where kept.
18. Use of school-houses may be granted, for what purposes and when.

§ 1. District may locate by vote or committee. The district may decide upon the location of its school-houses, by vote or by a committee appointed for the purpose.—P. S., c. 91, § 1, p. 258.

The vote, when the district locates, may be,—

Voted, To locate a school-house on a lot of land in said district, owned by A B, bounded and described as follows: Beginning at a stake on the land of A B, on the westerly side of the highway, leading from to, thence running westerly rods on the land of E F, to a stake and stones, thence running southerly rods to a stake and stones, thence easterly rods to a stake and stones on said highway, thence running northerly rods on said highway to bounds begun at,—containing half an acre of land; and to pay A B, the owner thereof, the sum of fifty dollars therefor.

When the district locates by a committee, the vote may be,—

Voted, That A, B, and C be a committee to decide upon a location for a school-house in said district, and purchase or procure land for the same.

Under this vote the action of the committee is final.

A majority of the committee may act.—Keyser v. District, 35 N. H. 477.

The report may be,—

To school-district....., in the town of

The undersigned, a committee chosen at a meeting of said district, duly called and held therefor on the day of, 18 , to

decide upon the location of a school-house in said district, and purchase and procure land for the same, have attended to the duty assigned them, and have located the same upon a lot of land, being a part of the homestead farm of M., in said district, bounded and described as follows: Beginning at a stake and stones on said homestead farm, on the southerly side of the highway leading from to, thence running south ten rods to a white oak tree, spotted on the northerly side, thence running east eight rods to a stake and stones, thence running north ten rods to a stone post, and thence running west on said highway to the bound begun at,—containing half an acre of land; and have taken from said, the owner thereof, and his wife, ..., a homestead quitclaim deed of said lot, in common form, to said school-district, the same being a gift from said owner to said district.

Dated at, this day of, 18 .

..... }
 } *Committee.*

Form of vote when the committee is advisory,—

Voted, That A, B, and C be a committee to examine and report upon the location of a school-house in said district, and the purchase or procuring of land for the same.

The action of the committee does not become the act of the district until adopted in open meeting duly held therefor.

Form of report,—

To the school-district in the town of:

The undersigned, a committee duly chosen at a meeting of said district, duly called and held therefor on the day of, 18 ., to examine and report upon a location for a school-house in said district, and the purchase or procuring of land for the same, have attended to the duty assigned them, and report, that in their judgment the best interests of said district will be promoted by locating the same upon a piece of land in said district, owned by A B, bounded and described as follows: Beginning at a stake and stones on the north side of the highway leading from to, at the south-west corner of said field, thence running north on the land of C D rods to the land of E F, thence running east on land of said E F rods to a stake and stones, thence running south rods to a stake and stones standing on said highway, thence running west on said highway rods to the bound begun at,—containing half an acre; and that, the owner thereof, has, by a contract in writing, under seal, executed by him, agreed to convey the same to said dis-

trict, if the district so elect, within thirty days from the date thereof, by a homestead warranty deed, in common form, for the sum of dollars, ... dollars thereof to be paid on delivery of said deed, and the remainder in six months thereafter.

Dated at, this day of, 18 .

..... }
 } *Committee.*

The vote upon the foregoing report may be,—

Voted, To adopt the report of said committee, and instruct them to take a deed of said land to said district, upon the terms therein set forth.

The report should be recorded at length by the clerk of the district, and be kept upon file.

§ 2. **Power of committee limited.** No committee shall have power to bind the district beyond the amount of money voted by it, and the district shall not be bound by any act, as a ratification of the doings of such committee, beyond their authority, unless by express vote of the district.—P. S. c. 91, § 2, p. 258.

§ 3. **Voters aggrieved may apply to school board.** If ten or more voters of a district are aggrieved by the location of a school-house by the district or its committee, they may apply by petition to the school board, who shall hear the parties interested and determine the location.—P. S., c. 91, § 2, p. 258.

HEARINGS—PROCEDURE.

The following provisions of the Public Statutes, relating to hearings before town and district officers, are inserted in this place for convenience of reference :

On petition to the selectmen for the laying out or altering of highways, or for laying out lands for any public use, and generally for the purpose of deciding any question affecting the conflicting rights or claims of different persons, their proceedings shall be governed by the following rules :

They shall appoint a time and place of hearing, and order notice thereof to be given to all persons whose property or rights may be directly affected by the proceeding, by giving to them or leaving at their abode an attested copy of the petition and order fourteen days at least before such hearing, or, if such persons are non-residents, by publication. If the owner is under guardianship, such notice shall be given to his guardian. If the owner is a minor, or under any legal disability, the judge of probate may appoint a guardian for such person, to whom notice shall be given.—P. S., c. 45, §§ 1, 2, p. 158.

Notice shall be given to all other persons interested by posting a like copy in one of the most public places in the town or district affected by the petition,

and by leaving a like copy at the abode of the clerk of such town or district a like time before the hearing.—P. S., c. 45, § 3, p. 159.

They shall hear all parties who desire to be heard, and examine them and their witnesses under oath, which either of the selectmen may administer; they may adjourn when they deem it necessary; and they shall make their decision in writing, and cause the petition, order of notice, evidence of service, and their decision to be filed in the town-clerk's office and recorded at length upon the town records; and their decision shall be of no force or effect until the same is done.—P. S., c. 45, § 4, p. 159.

The same rules shall apply to and govern the proceedings of fence-viewers, school boards, committees appointed by the selectmen, and all town officers when they are applied to or appointed to decide any question affecting the rights or claims of individuals, saving that other or shorter notice, when required or allowed by statute, shall be sufficient.—P. S., c. 45, § 5, p. 159.

Disqualification of member of board;—No selectman or other officer shall act in the decision of any such case, who would be disqualified to sit as a juror for any cause, except exemption from service, in the trial of a civil action in which any of the parties interested in such case was a party.—P. S., c. 45, § 6, p. 159.

Vacancy, how filled;—The place of a selectman or other officer so disqualified shall be supplied by appointment, by the other members of the board, of a qualified person who has theretofore holden the same office in the town, or, in the case of committees, by a new appointment.—P. S., c. 45, § 7, p. 159.

If in any case the whole board is disqualified, the selectmen shall, in writing, so inform some justice of the supreme court, who shall thereupon, with or without notice, appoint a new board for that case from qualified persons who have before holden the same office in the town, if such there be, otherwise from qualified persons, residents of another town, who have holden the same office. P. S., c. 45, § 8, p. 159.

If any member of the board is related to any of the parties, within the fourth degree, he is disqualified; an uncle or a brother-in-law cannot act.—*Sanborn v. Fellows*, 22 N. H. 473, 485.

The statute includes parties in interest.

The question as to whether or not any member is disqualified, must, in the first instance, be determined by the board. Their decision, however, may be corrected on *certiorari*, but not in general upon a bill in equity.—*Lane v. Morrill*, 51 N. H. 422.

Objections that any member of the board is disqualified, or has not taken the oath of office, if known to the party or his counsel, must be taken at the earliest practicable opportunity at the hearing, or they will be considered waived.—*School District v. Carr*, 55 N. H. 452.

The form of appointment, to fill vacancy caused by disqualification of member of board, and jurat may be,—

To, of the town of

WHEREAS, ..., one of the selectmen [or school board] of said town of [or district], is disqualified to act on the trial of the petition of and others for, now pending before the, because he is interested in the event of said trial by reason of his being a [or is the father, son, brother, uncle, brother-in-law, etc., of, one of the parties to said proceedings. Here set forth any other of the numerous causes of disqualification], we, the remaining members [or member] of said board qualified to act, hereby appoint you, a qualified person who has heretofore held the same office in the same town, to act in his stead.

Witness hand, this day of, 18 ..

..... }
 } of
 }

II., ss., 18 ..

Then appeared the above named , and took the oath of office by law prescribed.

Before me,

.....,
Justice of the Peace.

The appointment and jurat should be appended to the report, and recorded with it as a part of the proceedings.

Where the whole board is disqualified, the certificate of the school board to one of the justices of the supreme court may be,—

To , one of the justices of the supreme court :

The undersigned, school board of in the county of , hereby inform you that the petition of and others, for , is now pending before us; that we are interested in such petition, and disqualified to act thereon [here set forth any of the numerous other causes of disqualification],—

Wherefore we certify the same to you as provided by law, so that you may appoint a new board for said case from qualified persons who have before held the same office.

Given under our hands this day of , 18 .

..... } *School*
..... } *Board of*
..... }

The appointment and jurat may be,—

H....., ss., 18 .

To..... , of the town of in the county of :

Upon due notice to all parties interested, and upon consideration of the foregoing certificate and the proofs, you are hereby appointed , as a new board for said case.

.....,
Justice of the Supreme Court.

H....., ss., 18 .

Then appeared the above named , and took the oath of office by law prescribed.

Before me,

.....,
Justice of the Peace.

When two members of the board are disqualified, an appointment of a substitute by all three is invalid; but when only two of the board are disqualified, the qualified member may fill the vacancies.—Northern Railroad v. Enfield, 57 N. H. 508.

A notice issued by a board consisting of three is not invalid because one member of the board is disqualified by reason of his residence in one of the districts to be affected.—Fifield v. Swett, 56 N. H. 432.

The petition to the school board, where the voters are aggrieved by the location of a school-house, may be,—

To the school board of the school-district in the town of:

The undersigned, ten or more legal voters in the school-district in said town, respectfully represent, that a lot of land, described as follows [here insert boundaries and description], has been decided upon by said district for the location of a school-house for said district. Your petitioners are aggrieved by the location of said school-house, and request you to determine the location.

Dated at said, this ... day of, 18 ..

[Signers.]

The order of notice may be,—

A hearing upon the foregoing petition is hereby appointed at, in said district, on the day of next, at .. o'clock in the noon; and it is ordered that the petitioners give notice of said petition and hearing to said district, by posting an attested copy of said petition, and this order thereon, in one of the most public places in said district, fourteen days, at least, before said day of hearing, and leaving a like copy at the abode of the clerk of said district a like time before the said day of hearing.

Given under our hands, this day of, 18 ..

.....	} School Board.
.....	
.....	

The attestation, return, and jurat may be,—

A true copy.

Attest:

I certify, that on the day of, 18 .., I posted an attested copy of said petition and order at, one of the most public places in the school-district within mentioned, and on the same day I left a like copy at the abode of, the clerk of said district.

H....., ss., 18 ..

Then appeared, and made oath that the above certificate by him signed is true.

Before me,

.....
Justice of the Peace.

The final order may be,—

Upon the foregoing petition, we appointed a hearing, and gave notice thereof as aforesaid, and on the day of, 18 .., at o'clock in the noon, at in said district. the time and place appointed, [here insert the names of those who appeared as parties]

appeared as parties ; and, having heard all parties interested who attended and desired to be heard, and all evidence offered by them, and examined them and their witnesses under oath, we find that the lot of land described in said petition has been decided upon by said district [or, by a committee of said district] for the location of their school-house, and that the petitioners, being ten or more legal voters in said district, are aggrieved by such location; and we therefore determine that the location for said school-house shall be upon a lot of land in said district bounded and described as follows: [Here insert boundaries and description.]

Given under our hands, at, this day of, 18 .

..... } *School Board.*
 }
 }

The form of record may be,—

Received and recorded, 18 , at .. o'clock in the ... noon.

A true record,

Attest :

.....,
Town-Clerk.

If the decision is adverse, the report after the word "oath" may be,—“We find that said petitioners are not aggrieved by such location, and we therefore make no change.”

§ 4. **School board to locate, when.** If the district does not agree upon a location for a school-house or upon a committee to locate the same, or if the same is not located by such committee within thirty days after its appointment, the school board, upon petition of ten or more voters, shall determine the location.—P. S., c. 91, § 4, p. 258.

The petition may be,—

To the school board of the school-district in the town of:

The undersigned, ten or more legal voters of the school-district in said town, respectfully represent, that at a meeting of said district, duly held therefor on the day of, 18 , the district failed to agree upon a location for a school-house for the use of said district [or, the district agreed upon as a committee to locate a school-house for the use of said district, and said committee has not located the same within thirty days after its appointment]; wherefore the undersigned request you to determine the location thereof.

Dated at said, this day of, 18 .

[Signers.]

The order of notice, attestation, return, and jurat may be as previously given.

The final order may be,—

Upon the foregoing petition, we appointed a hearing, and gave notice thereof as aforesaid, and on the day of, 18 .., at .. o'clock in the noon, at, in said district, the time and place appointed, [here insert the names of those who appeared as parties] appeared as parties; and, having heard all parties interested who appeared and desired to be heard, and all evidence offered by them, and examined them and their witnesses under oath, we find, that at a meeting duly held to act upon the subject, said district failed to agree upon a location for a school-house in said district, or upon a committee to locate the same [or, the district agreed upon as a committee to locate a school-house for the use of said district, and said committee has not located the same within thirty days after its appointment], as stated in said petition, and said petitioners are ten or more legal voters of said district;—we therefore determine that said location shall be upon a lot of land in said district bounded and described as follows : [Here insert boundaries and description.]

Given under our hands, at, this day of, 18 ..

..... }
 } *School Board.*

The form of record may be,—

Received and recorded, 18 .., at .. o'clock in the noon.

A true copy.

Attest :

.....,
Town-Clerk.

If the decision be adverse, the report, after the word "oath," may be,—“We find that said petitioners are not aggrieved by such location, and we therefore make no change.”

§ 5. **County Commissioners to locate, when.** If ten or more voters of a school-district are aggrieved by the location of a school-house by the district or its committee, or by the school board, they may apply by petition to the county commissioners within ten days after the making of the location, who shall hear the parties interested, and determine the location.—P. S., c. 91, § 5, p. 259.

§ 6. **Notice of hearings.** The chairman of the county commissioners shall appoint a time and a place within the dis-

trict for a hearing upon every such petition ; and shall give notice thereof by causing attested copies of the petition and order of notice to be posted at two or more public places within the district, and to be given in hand to, or left at the abode of, the clerk of the district and of one of the school board fourteen days before the day of hearing.—P. S., c. 91, § 6, p. 259.

The petition may be,—

To the county commissioners for the county of:

The undersigned, being ten or more legal voters in the school-district in the town of in said county, respectfully represent that a lot of land, bounded and described as follows [here insert boundaries and description as given in the location appealed from], has been decided upon by said district [or, “by a committee of said district,” or, “by the school board of said district,” as the case may be] for the location of a school-house for said district, and that your petitioners are aggrieved by such location. They therefore request you to determine the location of said school-house.

Dated at said, the day of, 18 . [Signatures.]

The order may be,—

A hearing upon the foregoing petition is hereby appointed at the school-house in the school-district in the town of [or, at the hotel of A B in the school-district in the town of], on the day of, 18 , at .. o'clock in the noon; and it is ordered that the petitioners give notice of said petition and hearing thereon by causing attested copies of the petition presented to us, and order of notice made by us thereon, to be posted at two or more public places in said district, at least fourteen days before the time so appointed, and by causing like copies to be given to, or left at the usual place of abode of, the clerk and of one of the school board of said district, a like time before the time appointed for such hearing.

Given under our hands, this day of, 18 .
..... } County Commissioners
..... } of the
..... } County of

The attestation may be,—

A true copy.
Attest :

The certificate of posting, service, and jurat may be,—

I certify that on the day of, 18 .., I posted attested copies of the foregoing petition and order thereon at and at, the same being public places within said district, and by leaving like copies at the usual place of abode of A B, clerk, and C D, one of the school board, of said district, on the day of, 18 ..

M..... ss., 18 ..

Then appeared, and made oath that the above certificate by him signed is true.

Before me,

.....,
Justice of the Peace.

§ 7. Vacancies in board, how filled. In such cases, vacancies in the board of commissioners arising from disqualification of members or otherwise shall be filled in the same manner as like vacancies are filled in highway cases referred to them.—P. S., c. 59, § 7, p. 359.

If any commissioner is interested in the petition, he shall not serve; and the vacancy shall be filled, upon motion or petition, by any judge of the supreme court.—G. L., c. 68, § 7, p. 212.

Such petition may be,—

To, one of the justices of the supreme court:

The undersigned, ..., represents that the petition of and others, being ten or more of the legal voters of school-district No. .., in the town of, in said county, praying for the location of a school-house in said district, is now pending before the county commissioners of the county of; that, one of said commissioners, resides, and is a taxpayer, in said district [here set forth any other causes of disqualification], and interested in such petition and disqualified to act. Wherefore he prays that you will fill such vacancy in the manner prescribed by law.

.....

The appointment, to be written at the bottom of the original petition or indorsed upon it, and jurat may be,—

H....., ss., 18 ..

To, of, in the county of

Upon considering the foregoing [or, within] petition and the

proofs, you are hereby appointed to fill said vacancy in said board of county commissioners.

Witness my hand and seal, this day of, 18 ..
.....,
Justice of the Supreme Court.

M....., ss., 18 ..

Then appeared the above named, and made oath that he would faithfully and impartially perform the duties of a county commissioner in the proceedings upon said petition.

Before me,
.....,
Justice of the Peace.

§ 8. **Hearing, when,—decision, how made and filed.** The hearing shall be closed within sixty days. The commissioners shall hear all parties interested who desire to be heard, and shall make their decision in writing and file it with the clerk of the district.—P. S., c. 91, § 8, p. 259.

The final order may be,—

Upon the foregoing petition, we appointed a hearing, and gave notice thereof as aforesaid, and on the day of, 18 .., at .. o'clock in the noon, at in said district, the time and place appointed, [here insert the names of those who appeared as parties] appeared as parties; and having heard all parties residing in the district, or having any interest in the subject-matter of the hearing, who attended and desired to be heard, and all evidence offered by them, and examined them and their witnesses under oath, we find that the lot of land described in said petition has been decided upon by said district [or, by a committee of said district, or, by the school board of said district, as the case may be] for the location of a school-house in said district, are aggrieved by such location; and we therefore determine and make this our decision in writing, that the location of said school-house shall be upon a lot of land situated in said district [here insert the boundaries and description], and award that said petitioners recover of said school-district, and that said school-district shall pay our fees, taxed at dollars and cents.

Given under our hands, this day of, 18 ..
..... } *County Commissioners*
..... } *of the*
..... } *County of*

All the proceedings should be recorded by the clerk of the district.

The form of such record may be,—

Received and recorded, 18 , at .. o'clock in the noon.

A true copy.

Attest :

.....,
Town-Clerk.

If the decision is adverse, the report, after the word "oath" may be,—“We find that said petitioners are not aggrieved by such location, and we therefore make no change.”

§ 9. District to take no steps to carry former location into effect while appeal pending. The district shall take no steps to carry into effect a former location while any subsequent proceedings authorized by law for a change thereof are pending.—P. S., c. 91, § 9, p. 259.

§ 10. Commissioners, how paid. The commissioners shall be paid by the district for their services the same fees as in highway cases. Districts are authorized to raise money for that purpose.—P. S., c. 91, § 10, p. 259.

§ 11. Location conclusive for what time. The location of school-houses, however made, shall be conclusive for the term of five years, unless an appeal therefrom shall be prosecuted as provided in this chapter.—P. S., c. 91, § 11, p. 259.

§ 12. Existing lot, how enlarged. The school board or county commissioners may enlarge any existing school-house lot so that it shall contain not exceeding one acre, upon such petition to them and proceedings thereon as are required to authorize them to determine the location for a school-house.—P. S., c. 91, § 12, p. 259.

The proceedings before the school board or county commissioners, under the foregoing section, can be readily adapted from those already given.

§ 13. Land appraised by selectmen, when. If any school-district shall neglect or refuse to procure the lot of land selected for the location of a school-house, or for the enlargement of an existing school-house lot, as provided in

this chapter, or if the owner of the land shall refuse to sell the same to the district for a reasonable price, the selectmen, upon petition to them by the school board or by three or more voters of the district, shall appraise the damages occasioned to the land-owner by the taking of his land. The appraisal shall be made in writing, and be filed with the clerk of the district.—P. S., c. 91, § 13, p. 259.

The form of the petition, in case the district neglect or refuse to procure the lot, may be,—

To the selectmen of the town of:

The undersigned, school board [or, three or more voters] of the school-district in the town of in the county of, represent that a lot of land therein, owned by, in the town of in the county of, bounded and described as follows [here insert boundaries and description], was duly selected by the school board of said district [or, by the county commissioners of said county] for a school-house lot for said district, as provided by law; that said school-district has neglected and refused, and still neglects and refuses, to purchase [or procure] the land for said school-house lot; wherefore your petitioners request you to appraise the damages to said land-owner for the taking of said land.

Dated at, this day of, 18 .

[Signers.]

The order may be,—

A hearing upon the foregoing petition is hereby appointed at the hotel of J G, in said town of, on the day of next, at .. o'clock in the noon; and it is ordered that the petitioners give notice of said petition and hearing to said school-district by causing an attested copy of said petition, and the order thereon, to be posted in one of the most public places in said district, and by causing a like copy to be given to, or left at the usual place of abode of, the clerk of said district fourteen days at least before said day of hearing, and to, the land-owner within named, by giving him, or leaving at his usual place of abode, a like copy, a like time before said day of hearing.

Given under our hands, this day of, 18 .

.....	} <i>Selectmen</i>
.....	
.....	

The attestation, return, and record may be,—

I certify, that on the day of, 18 , I left at the abode of, clerk of said district, and, within named, each an attested copy of the within petition and order thereon, and on the same day posted a like copy thereof at, one of the most public places in said district.

H....., ss., 18 .

Then appeared and made oath that the above certificate by him signed is true.

Before me,

.....

Justice of the Peace.

The petition, in case the owner refuses to sell, may be,—

To the selectmen of the town of.....:

The undersigned school board [or, three or more voters] of the school-district in said town represents that a lot of land situate therein, bounded and described as follows [here insert boundaries and description], owned by, of the town of, has been legally selected [here describe by what authority selected] for a school-house lot, and that said owner refuses to sell the same to said district for a reasonable price. Wherefore said school-district requests you to appraise the damages to the owner.

Dated at said, this of, 18 .

[Signers.]

The order may be,—

A hearing upon the foregoing petition is hereby appointed at, in the town of, on the day of next, at .. o'clock in the ...noon; and it is ordered that the petitioner give notice of said petition and hearing to the said by giving to him, or leaving at his abode, an attested copy of said petition, and this order thereon, fourteen days at least before the said day of hearing.

Given under our hands, this day of, 18 .

..... } *Selectmen*
 } *of*
 }

The attestation, return, and jurat may be,—

A true copy. Attest :

.....

I certify, that on the day of, 18 , I gave to, within named [or, I left at the abode of....., within named], an attested copy of the within petition, and order thereon.

.....

H....., ss., 18 .

Then appeared, and made oath that the above certificate by him signed is true.

Before me,

.....,
Justice of the Peace.

The form of a final order may be,—

Upon the foregoing petition, we appointed a hearing, and gave notice thereof as aforesaid, and on the day of, 18 , at .. o'clock in the noon, at in the town of, the time and place appointed [here insert the names of those who appeared as parties] appeared as parties ; and, having heard all parties who attended and desired to be heard, and all evidence offered by them, and examined them and their witnesses under oath, we find that the lot of land described in said petition has been legally selected for a school-house lot, as stated in said petition, and that....., the owner of said land, refuses to so sell the same for a reasonable price ; and we therefore appraise the damages to the said owner at the sum of dollars.

Given under our hands, this day of, 18 .

..... } *Selectmen*
..... } *of*
..... }

§ 14. **Appeal by land-owner.** Any land-owner, aggrieved by such appraisal of his damages, may appeal therefrom to the supreme court by petition within sixty days after the appraisal is filed with the clerk of the district ; and the procedure and remedies upon such appeal shall be the same as in appeals from the assessment of damages by selectmen in highway cases, except that service of papers shall be made upon the clerk of the district and one of the school board, instead of the town-clerk and one of the selectmen, and except as provided in the following section.—P. S., c. 91, § 14, p. 259.

§ 15. **Title to vest in district, when.** Upon payment or tender of the damages awarded, the land shall vest in the district, and it may take possession of it. Such payment or tender may be made in accordance with the award of the selectmen before an appeal is taken, or while an

appeal is pending, and shall have like effect. In such case, if the damages are increased upon appeal, the land-owner shall have judgment for the excess; if decreased, the district shall have judgment for the amount of the decrease. If the result of the appeal is to change the award of damages in favor of the land-owner, he shall recover costs; otherwise, he shall pay costs.—P. S., c. 91, § 15, p. 260.

§ 16. **Selectmen to build school-house, when.** If a district shall refuse or neglect to build, repair, remove, or fit up a school-house, or shall refuse or neglect to build a school-house upon or to remove it to the lot designated as aforesaid, the selectmen, upon petition of three or more voters of the district, after hearing the parties, may assess upon the district, and collect, such sums of money as may be necessary, and therewith cause such school-house to be built, removed, repaired, or fitted up.—P. S., c. 91, § 16, p. 260.

The selectmen, under this section, have authority to pay the land damages for the lot, and accept a release for the benefit of the district.

The district neglecting and refusing to take any action in regard to building or removing, the selectmen must determine what the needs of the district require, and build anew, or remove the old school-house, accordingly. The selectmen have authority, also, under this section, to build a school-house on a lot established by the county commissioners, the district having unreasonably neglected and refused to build.—*Holbrook v. Faulkner*, 55 N. H. 311.

The form of a petition may be,—

To the selectmen of:

The undersigned, three or more legal voters of the school-district in said town, respectfully represent, that on the . . . day of . . . last, the school-house in said district, known as the . . . school-house, was destroyed by fire, and said district has refused and unreasonably neglected to build a school-house in place of the same. Wherefore they request you to assess a tax upon said district, and collect such sum of money as shall be necessary, and therewith cause a suitable school-house for said district to be erected therein.

Dated at, the . . . day of . . ., 18 .

[Signatures.]

The order may be,—

A hearing upon the foregoing petition is hereby appointed at, in the town of, on the day of, 18 .., at .. o'clock in the noon; and it is ordered that the petitioners give notice of said petition and hearing to said district by causing an attested copy of this petition, and order thereon, to be posted in one of the most public places in said district fourteen days at least before said day of hearing, and causing a like copy to be given to, or left at the usual place of abode of, the clerk of said district a like time before the said day of hearing.

Given under our hands, this day of, 18 ..

..... } *Selectmen*
 } *of*
 }

The attestation, return, and jurat may be,—

A true copy. Attest :

I certify, that on the day of, 18 .., I gave to A B, clerk of said district, an attested copy of the within petition and order thereon, and on the same day I posted a like copy at, one of the most public places in said district.

H....., ss., 18 ..

The appeared, and made oath that the above certificate by him signed is true.

Before me, ...
Justice of the Peace.

The final order may be,—

Upon the foregoing petition, we appointed a hearing, and gave notice thereof as aforesaid, and on the day of, 18 .., at .. o'clock in the noon, at in the town of, the time and place appointed [here insert the names of those who appeared as parties], appeared as parties; and having heard all parties interested who attended and desired to be heard, and all evidence offered by them, and examined them and their witnesses under oath, we find that said school-house was destroyed by fire as aforesaid, and that said district has refused and neglected to build a school-house therein in place thereof, and that said petitioners are legal voters thereof, as stated in said petition; and we therefore assess upon said district, and order to be collected, the sum of dollars and cents, therewith to cause a school-house to be built.

Given under our hands, at, this day of, 18 ..

..... } *Selectmen*
 } *of*
 }

The form of record may be,—

Received and recorded, 18 , at .. o'clock in the noon.

A true record. Attest :

.....

Town-Clerk.

Where there is a neglect or refusal to fit up and repair, the form of the petition may be,—

To the selectmen of the town of:

The undersigned, three or more legal voters of the school-district in said town, respectfully represent that the school-house in said district is, and for a long time has been, out of repair, insufficient, and unsuitable, and that said district has refused and neglected to fit up and repair the same; wherefore, they pray that you will assess upon said district, and collect, such sum of money as may be necessary therefor, and therewith cause said school-house to be fitted up and repaired.

Dated at said, this day of, 18 .

[Signatures.]

The order, service, and return may be as under the cases given above.

The final order may be as in the cases heretofore given, but following this petition.

Where the district has refused or neglected "to remove," the preceding form may be used, making the necessary changes in the petition and final order.

Where the district has neglected or refused to build a house upon, or to remove it to, the lot "designated," the petition may be,—

To the selectmen of the town of:

The undersigned, three or more legal voters of the school-district in said town, respectfully represent, that, on the day of, 18 , a lot of land, situate in said district, bounded and described as follows [insert boundaries and description], was legally designated for the location of a school-house, but said district have refused and neglected to build a school-house upon said lot [or, have refused and neglected to remove their school-house to said lot]; wherefore, they request you to assess upon said district, and collect, such sum of money as may be necessary therefor, and therewith cause a school-house to be built upon said lot [or, and therewith cause the school-house of said district to be removed to said lot].

Dated at said, this day of, 18 .

[Signatures.]

Order of notice, return, and jurat may be the same as in the forms given.

The final order may be,—

Upon the foregoing petition, we appointed a hearing, and gave notice thereof as aforesaid, and on the day of, 18 .., at .. o'clock in the noon, at in the town of, the time and place appointed, [here insert the names of those who appeared as parties] appeared as parties; and, having heard all parties interested who attended and desired to be heard, and all evidence offered by them, and examined them and their witnesses under oath, we find that the lot described in said petition was legally designated for the location of a school-house; that said petitioners are legal voters of said district; and that said district has refused and neglected to build a school-house upon said lot [or, has refused and neglected to remove said school-house to said lot]; and we therefore assess upon said district, and order to be collected, the sum of dollars and cents, therewith to cause a school-house to be built upon said lot [or, therewith to cause said school-house to be removed to said lot].

Given under our hands, at, this day of, 18 ..

..... } *Selectmen*
 } *of*
 }

§ 17. **Schools, where kept.** The schools of a district shall be kept in its school-houses, if it has suitable houses that will accommodate the scholars; if not, the school board shall provide suitable accommodations for the schools at the expense of the district.—P. S., c. 91, § 17, p. 260.

§ 18. **Use of school-houses may be granted, for what purposes and when.** A school-district, or the school board thereof, may grant the use of any school-house in the district for a writing- or singing-school, and for religious and other meetings, whenever such use will not conflict with any regular school exercise. The persons so using a school-house shall be liable for any damages to the same and to the property therein.—P. S., c. 91, § 18, p. 260.

CHAPTER V.

SCHOOL BOARD, TEACHERS, AND TRUANT OFFICERS.

THE SCHOOL BOARD, TEACHERS, ETC.	SECTION
SECTION	
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THE SCHOOL BOARD, TEACHERS, ETC.

§ 1. **Board to provide schools.** The school board of every district shall provide schools at such places within the district, and at such times in each year, as will best subserve the interests of education, and will give to all the scholars of the district as nearly equal advantages as may be practicable. They may use a portion of the school-money, not exceeding twenty-five per cent., for the purpose of conveying scholars to and from the schools.—P. S., c. 92, § 1, p. 260.

§ 2. **To hire teachers.** The school board shall select and hire suitable and competent teachers, shall provide necessary fuel, and shall make such occasional repairs of the school-houses and furniture as may be necessary, not exceeding in cost five per cent. of the school-money.—P. S., c. 92, § 2, p. 260.

In some of the larger towns and cities, teachers are hired on trial for a limited time to test their fitness for the work of teaching, but where they are to be employed for a single term only, the board, if not otherwise informed, should subject candidates to a suitable examination, that they may be assured of their competency to teach and govern the school to which they are to be assigned.

The school board are the trustees of the district, and as such hold its funds, and cannot hire themselves to teach, or otherwise contract with themselves.—See *Fisher v. Concord Railroad*, 50 N. H. 205.

It is the duty, also, of the school board, when a copy of an execution against the district is left with them, to pay the same, or call a meeting of the voters of the district, at which meeting they shall vote to raise the necessary sum to satisfy said execution and the officer's fees thereon; and the clerk of the district shall certify the same to the selectmen, who shall assess a tax for said sum, and deliver to the collector their warrant for the collection thereof. The tax shall be collected within thirty days, and applied in satisfaction of the execution.—P. S., c. 234, §§ 5, 6, 7, p. 645.

§ 3. **May dismiss teacher, when.** They shall dismiss any teacher found by them to be unfit to teach, or whose services are unprofitable to the school, or who shall not conform to the regulations by them prescribed; and every contract for the hire of a teacher, however expressed, shall be taken to be subject to these conditions.—P. S., c. 92, § 3, p. 261.

§ 4. **Teacher not to recover pay, when.** No teacher shall recover pay for services rendered after notice of dismissal.—P. S., c. 92, § 4, p. 261.

The order of dismissal may be,—

Whereas, the services of, employed as a teacher in this school-district, are found by us to be unprofitable to the district [or, ... is found by us unfit to teach; or, ... does not conform to the regulations prescribed by us], said teacher is hereby dismissed.

Witness our hands, at, this day of, 18 .

..... } *School Board*
 } *of*
 }

The clerk of the district should make a record, and certify it as follows :

Received and recorded, 18 , at .. o'clock in the ... noon.

A true record. Attest :
Clerk.

The filing upon the order may be,—

Received and recorded, 18 .

By me, ...
Clerk.

The notice to the teacher may be,—

To, a teacher in the school-district in the town of

You are hereby notified that you have this day been dismissed.

Witness our hands, at said, this day of, 18 .

..... } *School Board*
 } *of*
 }

The certificate of service may be,—

I certify, that on the day of, 18 , I gave the within named [or, I left at the abode of the within named] the original notice of which the within is a true copy.

H..... ss., 18 .

Then appeared and made oath that the above certificate, signed by him, is true.

Before me,

.....
Justice of the Peace.

The original should be served ; and the copy and return may be recorded by the clerk of the district.

§ 5. **Board may prescribe regulations.** The school board may prescribe regulations for the attendance upon, and for the management, studies, classification and discipline of, the schools; and such regulations, when recorded by the district clerk and a copy thereof has been given to the teachers and read in the schools, shall be binding upon scholars and teachers.—P. S., c. 92, § 5, p. 261.

The form of school regulations may be,—

SCHOOL REGULATIONS IN THE TOWN OF.....

1. Scholars may be required to build the fires, keep the rooms at a suitable temperature, sweep, and keep them clean.

2. Scholars shall be answerable for all misconduct during school hours, in going to and returning from school, and for all acts which have a direct and immediate tendency to injure the school and subvert the authority of the teachers.

3. The advanced classes shall have written exercises in spelling each day.

4. Essays, declamations, or recitations shall be required of the most advanced classes as often as once in two weeks.

5. No scholar shall pursue more than three studies at the same time, aside from reading and spelling.

6. No child under the age of five years shall attend any school.

7. Teachers shall prescribe such rules for the use of the school yards and outbuildings as shall insure their being kept in a neat and proper condition.

8. Instruction shall be given in physiology and hygiene, with special reference to the effects of alcoholic stimulants and narcotics upon the human system, in all schools above primary.

9. All schools shall have a recess of at least fifteen minutes in the forenoon and afternoon.

Witness our hands, at, this day of, 18 .

..... }
..... } *School Board.*
..... }

Received and recorded, ..., 18 , at .. o'clock in the noon.

A true record. Attest:

.....
Town-Clerk.

The filing may be,—

Received and recorded, ..., 18 , by me,

.....
Town-Clerk.

The school board may determine the vacations.—School District *v.* Lowd, 12 Gray 61.

Ordinarily the supervision and control of the teacher over the pupil extends from the time he leaves home to go to school till he returns.

Though a school-master has, in general, no right to punish a pupil for misconduct committed after the dismissal of school for the day and the return of the pupil to his home, yet he may, on the pupil's return to school, punish him for any misbehavior, though committed out of school, which has a direct and immediate tendency to injure the school and to subvert the master's authority.—Lander *v.* Seaver, 32 Vermont 114.

A requirement by the teacher of a district school, that the scholars in grammar shall write English compositions, is a reasonable one.—Guernsey *v.* Pitkin, 32 Vt. 224.

§ 6. **Board shall prescribe branches of study.** They shall prescribe in all mixed schools, and in all graded schools above primary, the study of physiology and hygiene, having special reference to the effects of alcoholic stimulants and of narcotics upon the human system, and may permit or prescribe the study of algebra, geometry, surveying, book-keeping, philosophy, chemistry, and natural history, or any of them, and other suitable studies.—P. S., c. 92, § 6, p. 261.

§ 7. **Free text-books.** They shall purchase, at the expense of the city or town in which the district is situated,

text-books and other supplies required for use in the public schools; and shall loan the same to the pupils of such schools free of charge, subject to such regulations for their care and custody as the school board may prescribe.—P. S., c. 92, § 7, p. 261.

§ 8. **Text-books to continue in use, how long.** Every text-book, or series of text-books on one subject, shall continue in use for at least five years from the time of its introduction, unless an unreasonable price shall be charged for the same, during which time no other text-book on the same subject shall be used, except that one or more series of readers may be used for supplementary reading.—P. S., c. 92, § 8, p. 261.

§ 9. **Changes of text-books.** The school board may annually change one text-book or one series of text-books on the same subject, in each grade of schools, which has been in use five years; but no book shall be introduced calculated to favor any particular religious sect or political party.—P. S., c. 92, § 9, p. 261.

§ 10. **Board to furnish registers.** They shall furnish to every teacher one of the blank registers provided by the superintendent of public instruction, and shall visit and examine each school in their district at least twice in each term, once near the beginning and once near the close thereof.—P. S., c. 92, § 10, p. 261.

§ 11. **Teacher to return register.** Every teacher shall make the entries in the register required by the superintendent of public instruction, and at the close of the term shall return the register to the school board. Twenty dollars of the wages of every teacher shall be withheld until he has made such return.—P. S., c. 92, § 11, p. 262.

§ 12. **Board to make annual report.** School boards shall file with the selectmen, on or before the first day of March

in each year, their reports to their respective districts, stating the number of weeks the public schools have been kept in their districts in summer and winter, and what portion by male and what by female teachers; the number of scholars who have attended each school; the number who have attended to each study; the number of scholars of their districts not less than five years of age who have attended the public schools in their districts not less than two weeks during the year; and containing such suggestions relative to the schools as they may think useful. School boards of town districts shall also include in their reports a statement of the number of children of each sex reported by the selectmen or assessors; the number of each sex between the ages of five and fifteen years who have not attended school; the number of scholars not less than five years of age who have attended the district schools in the town not less than two weeks during the year, and the number of persons in each district between the ages of fourteen and twenty-one years who cannot read and write—P. S., c. 92, § 12, p. 262.

The school board, in making their annual report, will find it convenient to make tables, as part of this report, somewhat after the following forms. Other columns may be added, as,—wages of teachers, number of scholars in each class, etc.

TABLE NO. 1.

Name or number of school.	Terms.	Name of teacher.	Length of school in weeks.	Whole number of scholars.	Number in arithmetic.	Number in grammar.*	Average attendance.
School No. 1.	Summer.	Miss A. B.					
	Winter.	Mr. C. D.					
School No. 2.	Summer.	Miss E. F.					
	Winter.	Mr. G. H.					

* Similar columns for other branches.

TABLE NO. 2.

Number of scholars not less than 5 years of age who have attended public school not less than 2 weeks.....	
Number of persons between 14 and 21 unable to read and write,.....	
Number of children reported by selectmen or assessors.....	Male.
	Female.
Number of children between 5 and 15 not attending school	Male.
	Female.
Number of visits by school board.....	
Number of visits by citizens.....	
Money raised by law	
Literary and railroad fund.....	
Dog-money.....	

§ 13. Board shall send report to superintendent of public instruction. School boards shall, on or before the first day of April in each year, send to the superintendent of public instruction copies of their annual reports and answers to the questions proposed by him relating to the schools in their districts.—P. S., c. 92, § 13, p. 262.

§ 14. Penalty for neglect. Any member of a school board who shall neglect or refuse to comply with the provisions of the preceding section shall be fined not exceeding fifty dollars.—P. S., c. 92, § 14, p. 262.

TRUANT OFFICERS.

§ 15. Truant officers may be appointed. School boards are authorized to appoint truant officers for their districts, and to fix their compensation at a reasonable rate, which compensation shall be paid by the towns.—P. S., c. 92, § 15, p. 262.

§ 16. Tenure of office. Truant officers shall hold office for one year and until their successors shall be appointed,

but they may be removed by the school board at any time for cause.—P. S., c. 92, § 16, p. 262.

§ 17. **Duties in regard to truants.** Truant officers shall, under the direction of the school board, enforce the laws and regulations relating to truants, and children between the ages of six and sixteen years not attending school and without any regular and lawful occupation.—P. S., c. 92, § 17, p. 262.

§ 18. **Duties in regard to children in manufactories.** Truant officers shall, if required by the school board, enforce the laws prohibiting the employment of children in manufacturing establishments who have not attended school the prescribed time.—P. S., c. 92, § 18, p. 262.

MISCELLANEOUS PROVISIONS.

§ 19. **Compensation of school board.** The school board, upon satisfying the selectmen that they have attended to the duties and made the reports by law required, shall be paid such reasonable compensation as the town or selectmen may determine.—P. S., c. 92, § 19, p. 263.

§ 20. **School day, etc.** In the absence of express contract, a session of three hours in the forenoon and three hours in the afternoon shall constitute a school day, five such days a school week, and four such weeks a school month, in the public schools.—P. S., c. 92, § 20, p. 263.

§ 21. **Teachers may attend institutes.** Teachers of public schools may attend teachers' institutes held within the state, as provided by law, not exceeding three days in any term or five days in any year, and the time so spent shall be regarded as spent in the service of the district; and school boards shall allow teachers to close their schools for that purpose.—P. S., c. 92, § 21, p. 263.

CHAPTER VI.

SCHOLARS.

SECTION

1. Scholar not to attend where not a resident without leave.
2. Children not to attend school unless vaccinated.
3. May be dismissed for misconduct.
4. To attend where assigned.
5. Penalty for attending without right.
6. District may make by-laws as to truants.
7. Offenders against by-laws, how punished.
8. Fine may be remitted, etc.
9. May attend school upon giving bond for good behavior.
10. Children under ten not to be employed in manufacturing establishments.

SECTION

11. Children under sixteen who cannot read and write may be so employed, when.
12. Other provisions as to employment of children in such establishments.
13. Penalties in such cases for violations of the statutes.
14. Parents required to send children to school.
15. Penalty for non-compliance.
16. School boards to furnish copy of law in certain cases.
17. Persons disturbing school, how punished.
18. School board to prosecute offenders.
19. Limitation of prosecutions.

§ 1. **Non-resident not to attend without leave.** No person shall attend school, or send a scholar to the school, in any district of which he is not an inhabitant, without the consent of the district or of the school board.—P. S., c. 93, § 1, p. 263.

Residence in the district must be *bona fide*, and not fraudulent, or for the purpose of obtaining schooling by evasion of the statute.—*District v. Bragdon*, 23 N. H. 507.

The minor children of paupers, supported at a county poor-farm, have the right to attend the public school in the district in which such county farm is located.—*District v. Pollard*, 55 N. H. 503.

Residence there for the purpose of schooling is not the residence declared essential for taxation, or the exercise of the right of suffrage.—*Ib.*, p. 504.

§ 2. **Children not to attend unless vaccinated.** No child shall attend any public school unless he has been vaccinated or has had the small-pox.—P. S., c. 93, § 2, p. 263.

§ 3. **May be dismissed for misconduct.** Any scholar may be dismissed from school by the school board for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school; and he shall not attend the school until restored by the school board.—P. S., c. 93, § 3, p. 263.

Scholars may also be dismissed for misconduct out of school and school hours, if of a tendency to injure the school.—*Sherman v. Charlestown*, 8 Cush. 160; *Lander v. Seaver*, 32 Vt. 114.

The power of expulsion vested in the school committee does not take from the master the right to use force, if necessary, to maintain his authority ; and he may call upon others to assist him.—*Stevens v. Fassett*, 27 Me. 266.

As to the power of a teacher to punish a pupil for misconduct out of school hours, the supreme court, in the case of *Lander v. Seaver*, lay down the general rule as follows:

"It is conceded that his [the teacher's] right to punish extends to school hours ; and there seems to be no reasonable doubt that the supervision and control of the master over the scholar extend from the time he leaves home to go to school till he returns home from school. Acts done to deface or injure the school-room, to destroy the books of scholars, or the books or apparatus for instruction, or the instruments of punishment of the master ; language used to other scholars to stir up disorder and insubordination, to heap odium and disgrace upon the master ; writings and pictures placed so as to suggest evil and corrupt language, images, and thoughts to the youth who must frequent the school,—all such or similar acts tend directly to impair the usefulness of the school, the welfare of the scholars, and the welfare of the master, and if committed after the dismissal of the school for the day, and the return of the pupil to his home, yet he may, on the pupil's return to school, punish him for any misbehavior, though committed out of school, which has a direct and immediate tendency to injure the school and subvert the master's authority."

A teacher may enforce discipline by the imposition of reasonable corporeal punishment. He may determine when and to what extent punishment is necessary ; and he is not liable for error in judgment, when he has acted in good faith and without malice.—*Heritage v. Dodge*, 64 N. H. 297.

When a person over twenty-one years of age attends as a scholar, the teacher has the same authority over him as over the others.—*Stevens v. Fassett*, 27 Me. 266.

A requirement by the teacher of a district school, that scholars in grammar shall write English compositions, is a reasonable one, and if the scholar refuse he may be expelled.—*Guernsey v. Pitkin*, 32 Vt. 224.

The rules and regulations for the management and discipline of the schools are required to be recorded by the town-clerk, in accordance with the provisions of chapter 89, section 10, of the General Laws. Whether or not the school board would have authority to dismiss a scholar for violation of any rule not recorded, has not been decided by the courts of this state ; neither has the question been decided how much authority a member of the school board may exercise in this direction in the absence of any rule.

In the case of *Hodgkins v. Rockport*, 105 Mass., it was decided that "The school committee has authority not subject to revision, if exercised in good faith, to exclude a pupil from a public school for misconduct which injures its discipline and management ; and the expulsion of such a pupil from the school by a part of the committee, unanimously ratified afterwards by the full committee, is not an irregularity in the exercise of the authority." The court, in delivering the opinion in this case, said,—“Much of the power of the committee, as to the preservation of order and discipline, must necessarily be delegated to its different members and the teachers, and must be exercised without any vote or record. We have no doubt that they may send a scholar out of school, if the exigencies of the case require it, subject to the future action of the committee.”

In the case of *Russell v. Linnfield*, 116 Mass. 365, where one member of the school committee of a town made a rule which was subsequently assented to by the other members of the committee, and for a violation of the rule a scholar was excluded from the school, it was held that the scholar was not unlawfully excluded, although there was no record made of the order of the committee. In this case the court said,—“The school committee are required to have the general charge and superintendence of all the public schools in town, and to keep a record of their votes, orders, and proceedings. But this does not imply that all rules and orders required for the discipline and good conduct of the schools shall be matter of record with the committee, or that every act in regard to the management of each school in these respects should be authorized or confirmed by formal vote. It would be practically impossible sufficiently to provide for such matter by a system of rules, however carefully prepared and promulgated. Much must necessarily be left to the individual members of the committee, and to the teachers of the several schools.”

In the case of *State v. Burton*, 45 Wis. 150, it is held that in matters where the board of control of public schools have made no regulations for the government of the schools, the teachers stand *in loco parentis*, and have inherent power to suspend pupils for cause. And in the discussion of the case the court says,—“In the school, as in the family, there exists on the part of the pupils the

obligations of obedience to lawful commands, subordination, civil deportment, respect for the rights of other pupils, and fidelity to duty. These obligations are inherent in any proper school system, and constitute, so to speak, the common law of the school. Every pupil is presumed to know this law, and is subject to it, whether it has or has not been reenacted by the district board in the form of written rules and regulations. Indeed, it would be impossible to frame rules which would cover all cases of insubordination, and all acts of vicious tendency, which the teacher is liable to encounter daily and hourly."

§ 4. **To attend where assigned.** No scholar who shall have been assigned to a particular school by the school board shall attend any other school in the district until assigned thereto.—P. S., c. 93, § 4, p. 264.

§ 5. **Penalty for attending without right.** If any scholar, after notice, shall attend or visit a school which he has no right to attend, or shall interrupt or disturb the same, he shall be fined for the first offence five dollars, and for any subsequent offence ten dollars, or be imprisoned not exceeding thirty days.—P. S., c. 93, § 5, p. 364.

§ 6. **Districts may make by-laws as to truants.** Districts may make by-laws, not repugnant to law, concerning habitual truants and children between the ages of six and sixteen years not attending school and not having a regular and lawful occupation, and to compel the attendance of such children at school, and may annex penalties for the breach thereof not exceeding ten dollars for each offence.—P. S., c. 93, § 6, p. 264.

§ 7. **Offenders against by-laws, how punished.** Any offender against such by-laws, upon conviction, may be sentenced to pay a fine and to be committed to the Industrial School until it is paid or he is otherwise discharged, or he may be sentenced to the Industrial School for a term not exceeding one year.—P. S., c. 93, § 7, p. 264.

§ 8. **Fine may be remitted, etc.** The court or justice imposing a fine upon any such offender may remit it upon proof that he is unable to pay it, and has no parent, guardian, or person chargeable with his support able to pay it,

and may discharge him from the Industrial School if he has been committed there for non-payment thereof.—P. S., c. 93, § 8, p. 264.

§ 9. **May attend school upon giving bond.** Any such offender, so convicted, may give bond to the district in the penal sum of twenty-five dollars, with sufficient sureties, approved by the court or justice before whom he was convicted, conditioned to attend regularly some school kept in the district for one term next ensuing, to comply with the regulations thereof, and to be obedient and respectful to the teacher; and his fine may thereupon be remitted by such court or justice upon payment of the costs.—P. S., c. 93, § 9, p. 264.

§ 10. **Employment of children in manufactories.** No child under the age of ten years shall be employed in any manufacturing establishment.—P. S., c. 93, § 10, p. 264.

§ 11. No child under the age of sixteen years who cannot read and write shall be employed in any manufacturing establishment during the time the public schools in the district in which he resides are in session.—P. S., c. 93, § 11, p. 264.

§ 12. Children not included under the provisions of the preceding section shall not be employed in a manufacturing establishment unless they shall first furnish to the person proposing to employ them a certificate of the school board of the district in which they reside that they have attended some public or private day school in which the common English branches are taught during the preceding year, as follows: If under sixteen and over fourteen years of age, twelve weeks; if under fourteen and over twelve years of age, six months, or such part thereof as the schools in the district in which they reside were in session; and if under

twelve and over ten years of age, the whole time the schools were in session in such district.—P. S., c. 93, § 12, p. 264.

§ 13. **Penalty.** If any owner, agent, superintendent, or overseer of a manufacturing establishment shall employ any child in violation of the provisions of either of the three preceding sections, he shall be fined not exceeding fifty dollars for each offence, for the use of the district.—P. S., c. 93, § 13, p. 264.

§ 14. **Parents required to send children to school.** Every person having the custody and control of a child between the ages of eight and sixteen years, residing in a school-district in which a public school is annually taught, shall cause such child to attend the public school for twelve weeks at least in every year, six weeks at least of which shall be consecutive, unless the child shall be excused by the school board of the district because his physical or mental condition was such as to prevent his attendance at school for the period required, or because he was instructed in a private school for at least twelve weeks during the year in the common English branches, or, having acquired those branches, in other more advanced studies.—P. S., c. 93, § 14, p. 265.

§ 15. **Penalty.** Any person who does not comply with the requirements of the preceding section shall forfeit ten dollars for the first offence and twenty dollars for every subsequent offence, for the use of the district.—P. S., c. 93, § 15, p. 265.

§ 16. **School board to furnish copy of law.** The school board of every district shall cause a copy of the two preceding sections to be sent to every person who they have reason to believe does not comply with the requirements of section fourteen of this chapter.—P. S., c. 93, § 16, p. 265.

§ 17. **Persons disturbing schools, how punished.** Any person, not a scholar, who shall wilfully interrupt or disturb any school, shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days.—P. S., c. 93, § 17, p. 265.

§ 18. **School board to prosecute offenders.** It shall be the duty of the school board to prosecute offenders for violations of the provisions of this chapter. If they neglect to perform this duty they shall forfeit twenty dollars for each neglect, for the use of the district, to be recovered in the name of the district by the selectmen of the town. All necessary expenses incurred in such proceedings shall be paid by the district.—P. S., c. 93, § 18, p. 265.

§ 19. **Limitation of prosecutions.** No prosecution under this chapter shall be sustained unless begun within one year after the offence is committed.—P. S., c. 93, § 19, p. 265.

CHAPTER VII.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

SECTION

1. Superintendent, how appointed ; tenure of office.
2. His duties defined.
3. To visit and lecture in towns.
4. To organize and hold teachers' institutes.
5. To appoint suitable person to attend in case he cannot.

SECTION

6. Expense of institutes provided for.
7. How paid.
8. His accounts audited, how.
9. To send copy of his report to school boards.
10. Clerical expenses provided for.

§ 1. **How appointed; tenure of office.** The governor, with advice of counsel, shall appoint a superintendent of public instruction, who shall hold office for the term of two years, and shall have general supervision and control of the educational interests of the state.—P. S., c. 94, § 1, p. 265.

§ 2. **Duties.** The superintendent of public instruction shall prescribe the form of register to be kept in the schools, and the form of blanks and inquiries for the returns to be made by the school boards, and shall seasonably send the same to the clerks of the several towns and cities for the use of the school boards therein; he shall receive, preserve, or distribute all state documents in regard to public schools, or education, and shall receive and arrange in his office reports and returns of school boards; he shall investigate the condition and efficiency of the system of popular education in the state, and shall pursue such a course for the purpose of awakening and guiding public sentiment in relation thereto as may seem to him best, and he shall annually make a report, containing a concise abstract of the returns of the school boards, a detailed report of his own doings, a statement of the condition and progress of popular education in the state, and such suggestions and recommendations in regard to improving the same as his information and judgment may dictate.—P. S., c. 94, § 2, p. 266.

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It is also the duty of the superintendent of public instruction, in the annual report, to state the condition of the state normal school, the terms of admission and graduation, the times of the commencement and close of the sessions; and to cause the same to be printed on the cover of the school register.

§ 3. **To visit and lecture in towns.** He shall visit and lecture upon educational subjects in as many towns and cities of the state during the term of his office as the time occupied by his other official duties will permit.—P. S., c. 94, § 3, p. 266.

§ 4. **To hold teachers' institutes.** He shall organize, superintend, and hold at least one teachers' institute each year in each county of the state, and appoint the time and place, and make suitable arrangements therefor.—P. S., c. 94, § 4, p. 266.

§ 5. **To appoint suitable person to attend in case he cannot.** In case he is unable for any cause to conduct in person any institute, or make the necessary arrangements therefor, he shall appoint the principal of the state normal school, or some other suitable person, for that purpose.—P. S., c. 94, § 5, p. 566.

§ 6. **Expense of institutes.** The state treasurer is authorized and instructed to invest, as a permanent institute fund, the proceeds of the sale of the state lands effected under the authority of a joint resolution approved June 28, 1867, and the annual income thereof is set apart for the support of teachers' institutes.—P. S., c. 94, § 6, p. 266.

§ 7. **How paid.** The superintendent of public instruction may draw upon the state treasurer each year for such part of said income as may be required to defray the necessary expenses of the institutes, and for procuring suitable instruction and lecturers for the same.—P. S., c. 94, § 7, p. 266.

§ 8. **Accounts, how audited.** His account for the expenses of the institutes shall be audited each year by the governor and council, and he shall incorporate in his annual report a report of the institutes, and of the expenses of the same.—P. S., c. 94, § 8, p. 266.

§ 9. **To send copy of his report to school board.** He shall forward to the chairman of every school board in the state a copy of each of his annual reports.—P. S., c. 94, § 9, p. 266.

§ 10. **Clerical expenses.** The sum of five hundred dollars, or such part thereof as may be needed, is annually appropriated for clerical expenses of this department.—P. S., c. 94, § 10, p. 266.

CHAPTER VIII.

NEW HAMPSHIRE STATE NORMAL SCHOOL.

SECTION

1. Normal school, its object.
2. Trustees of school, and tenure of office.
3. How organized.
4. To employ principal of school.
5. Courses of study.
6. Admission and graduation.
7. Tuition free, in what cases.

SECTION

8. Annual appropriation, and by whom expended.
9. Normal teachers to assist at institutes.
10. Superintendent of public instruction to report condition of schools.

§ 1. **Normal school, its object.** The New Hampshire State Normal School, as heretofore established and located, is continued. The instruction in the school shall be confined to such branches as will specially prepare the pupils to teach in the public schools, and to such other branches as are usually taught in normal schools. The school shall be in session at least twenty weeks in each year.—P. S., c. 95, § 1, p. 267.

§ 2. **Trustees of; tenure of office.** The management of the school shall be vested in the board of trustees composed of the governor, the superintendent of public instruction, and five other persons, who shall be appointed by the governor, with the advice of the council, and shall hold office for two years.—P. S., c. 95, § 2, p. 267.

§ 3. **How organized.** The board shall choose from its members a president and secretary, and such committees and other officers as may be necessary to transact its business, and may choose a treasurer who is not a member of the board. They shall meet at least once each year and shall receive no compensation for services, but shall be paid their reasonable expenses while engaged in the performance of their duties.—P. S., c. 95, § 3, p. 267.

§ 4. **Principal and assistants.** They shall select and employ a principal teacher for the school, who shall be allowed, with their advice and consent, to select the assistants and provide for the discipline of the school.—P. S., c. 95, § 4, p. 267.

§ 5. **Courses of study.** The trustees, with the principal, shall arrange courses of study for the school.—P. S., c. 95, § 5, p. 267.

§ 6. **Admission and graduation.** The trustees and principal shall prescribe and control the examinations for the admission and graduation of pupils, and they shall grant certificates of graduation to such as complete either course and pass the required examinations.—P. S., c. 95, § 4, p. 267.

§ 7. **Tuition free, when.** Tuition and graduation shall be free to all those completing either course of study, who will agree to teach in the public schools of this state for a period equal to the length of such course. The trustees shall make such provisions as may be necessary to effect the purposes of this section.—P. S., c. 95, § 7, p. 267.

§ 8. **Annual appropriation and its expenditure.** The sum of seven thousand dollars is annually appropriated for the maintenance of the school, to be expended as the trustees shall direct.—P. S., c. 95, § 8, p. 268.

§ 9. **Normal teachers to assist at institutes.** The principal and teachers of the state normal school shall assist and give instruction at teachers' institutes, so far as they can without interfering with their duties in the normal school, but they shall receive no additional compensation, except for travel and other actual and necessary expenses, while so employed.—P. S., c. 95, § 9, p. 268.

§ 10. **Superintendent of public instruction to report condition of school.** The superintendent of public instruction, in his annual report, shall state the condition of the school, the terms of admission and graduation, the times of the commencement and close of the sessions, and shall cause the same to be printed on the cover of the school register.—P. S., c. 95, § 10, p. 268.

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